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ABSTRACT

This report is the third revision of Legislation by the States: Accountability and Assessment in Education, which has been prepared under the sponsorship of the Cooperative Accountability Project. The last updating was completed in August, 1973. The present report differs from previous editions in that Section 1 contains an expanded discussion of accountability legislation and a general description of the kinds of laws that were enacted from 1963 through 1974. More specifically, this section includes: (1) A table that shows which states have enacted accountability legislation and which ones have not; (2) A table that indicates how many states have enacted legislation in five accountability-related categories or processes; (3) A table that identifies statutes enacted by year and by state from 1963-1974 and the processes of accountability that are covered by the laws; (4) A graph that depicts the changing rate in the number of accountability laws passed from 1963-1974; (5) A discussion of each law enacted during the 1974 legislative session; and (6) A summary of laws enacted prior to 1974 that were not reported in earlier versions of Legislation by States. Section 2 is similar to preceding editions of Legislation by the States in that all the statutes enacted from 1963 through 1974 are reproduced, with the exception of the 1974 North Carolina budget. Those that have not been reported previously are marked by an asterisk in the Contents. (Author/BJG)

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LEGISLATION BY THE STATES: ACCOUNTABILITY AND ASSESSMENT IN EDUCATION

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LEGISLATION BY THE STATES:
ACCOUNTABILITY AND ASSESSMENT IN EDUCATION

Prepared by

Phyllis Hawthorne

Division for Management and Planning Services

Wisconsin Department of Public Instruction
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for the

Cooperative Accountability Project

Denver, Colorado

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Report No. 2

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PREFACE

This report is the third revision of *Legislation by the States: Accountability and Assessment in Education,* which has been prepared under the sponsorship of the Cooperative Accountability Project. The last updating was completed in August, 1973.

The present report differs from previous editions in that Section I contains an expanded discussion of accountability legislation and a general description of the kinds of laws that were enacted from 1963 through 1974. More specifically, this section includes:

A table that shows which states have enacted accountability legislation and which ones have not.

A table that indicates how many states have enacted legislation in five accountability-related categories or processes.

A table that identifies statutes enacted by year and by state from 1963-1974 and the processes of accountability that are covered by the laws.

A graph that depicts the changing rate in the number of accountability laws passed from 1963-1974.

A discussion of each law enacted during the 1974 legislative session.

A summary of laws enacted prior to 1974 that were not reported in earlier versions of *Legislation by the States.*

Section II is similar to preceding editions of *Legislation by the States* in that all the statutes enacted from 1963 through 1974 are reproduced.* Those that have not been reported previously are marked by an asterisk in the Contents.

We wish to take this opportunity to thank all those staff members of the state education agencies who have so graciously taken the time and effort to find these legislative acts and to provide information about them for SEAR.

*With the exception of the 1974 North Carolina budget bill.

Phyllis Hawthorne
James H. Gold

State Educational Accountability Repository (SEAR)
Department of Public Instruction
Madison, Wisconsin 53702

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SECTION I

GENERAL OVERVIEW

OF

STATE EDUCATIONAL ACCOUNTABILITY LEGISLATION

SECTION I. GENERAL OVERVIEW OF STATE ACCOUNTABILITY LEGISLATION

Introduction

The concept of accountability that gained momentum in the late 1960's has emerged as a reality in the 1970's. Up to June, 1974, thirty states have enacted legislation that focuses on various approaches to attain accountability. Other states have chosen to introduce accountability into their planning efforts through executive order or policy statements. Although it is recognized that most state education agencies are developing or establishing programs that involve methods for achieving accountability, this report will address itself exclusively to the legislative efforts. Table I on page 2 indicates which states have enacted legislation with accountability features and which ones have not.

To Legislate or Not To Legislate

Legislation for accountability can be considered both from a negative and a positive standpoint if one is planning to institute procedures to achieve accountability. On the one hand, legislation can be too prescriptive, unreasonable, or impractical. In some instances there have been laws introduced that are impossible to carry out because of time constraints, technical limitations, and/or funding deficiencies. Consequently, some programs have failed to meet the expectations of legislators and other involved persons.

On the other hand, there are state education departments that need legislation to authorize and fund accountability programs that are carefully thought out. Experience with the interpretation of laws by state education agencies indicates that an important step prior to legislation is to state specifically to the groups involved the intent of the legislation and the constructive results that can be attained through the law with available funds. Another step is to maintain an open line of communication among legislators, educators, and those people in the schools and communities which the law will affect. State legislative acts generally emphasize that the program for achieving accountability either is the responsibility of local districts, a state responsibility, or a shared responsibility. It may be more expedient to allow the local schools and communities to share responsibility in making educational decisions about accountability in their own districts with direction, information, and a supervisory role provided by the state education agency. If educators are held accountable but have no control over their resources, resentment is the result, and the purpose of improving the quality of education and efficiency of operation is lost. The position of the National Education Association makes a reasonable point in this regard:

> The Association believes that educators can be accountable only to the degree that they share responsibility in educational decision making and to the degree that other parties who share this responsibility – legislators, other government officials, school boards, parents, students and taxpayers – are also held accountable.[1]

Although stated differently, this point was expressed with a similar intent in two issues of the CAP quarterly, a news publication of the Cooperative Accountability Project:

> Accountability isn't a "one-way street" with responsibility directed at the educators alone. The people – parents, students, state legislators, school board members, and taxpayers – share this responsibility. Whereas the effectiveness and efficiency of the system can be charged to educators, it is the public that makes the determinations about the support level for the system. The resources provided must be adequate for the system to be able to meet the public's expectations.[2]

and . . .

> Accountability implies determinations as to what impact the participating parties have on process and output so that appropriate persons or groups can be held accountable for their part in the system. All parts will have to work in harmony with one another. There is no room for "scapegoating" in the application of an accountability process. After all, individuals or groups cannot be held responsible for a particular kind of output if they do not have influence over that output.[3]

[1] "Current Resolution 73-25. Accountability," *1973-74 NEA Handbook for Local, State, and National Associations.* Washington, DC: National Education Association, 1973, p. 85.

[2] "A Primer for Accountability in Education," *Cooperative Accountability Project.* Denver, CO: Cooperative Accountability Project, Department of Education, Issue II, March 1973, p. 4.

[3] "Accountability in American Education: Will It Make A Difference?" *Cooperative Accountability Project.* Denver,CO: Cooperative Accountability Project, Department of Education. Issue III, July 1973, p. 2.

Table I
Status Of Accountability Legislation, June 1974

State	Legislation Enacted	No Legislation
Alabama		X
Alaska	X	
Arizona	X	
Arkansas	X	
California	X	
Colorado	X	
Connecticut	X	
Delaware		X
District of Columbia		X
Florida	X	
Georgia	X	
Hawaii	X	
Idaho		X
Illinois	X	
Indiana	X	
Iowa	X	
Kansas	X	
Kentucky		X
Louisiana		X
Maine		X
Maryland	X	
Massachusetts	X	
Michigan	X	
Minnesota		X
Mississippi		X
Missouri		X
Montana		X
Nebraska	X	
Nevada	Jt. Resolution	No Statute
New Hampshire		X
New Jersey	X	
New Mexico	X	
New York	X	
North Carolina		X
North Dakota		X
Ohio	X	
Oklahoma	Jt. Resolution	No Statute*
Oregon	X	
Pennsylvania	X	
Rhode Island	X	
South Carolina		X
South Dakota	X	
Tennessee		X
Texas	X	
Utah	X	
Vermont		X
Virginia	X	
Washington	X	
West Virginia		X
Wisconsin	X	
Wyoming		X
TOTAL**	30	21

*The contents of the Resolution were made a part of the School Code.

**Total does not include the Joint Resolutions. Inclusion of the District of Columbia makes a total of 51.

Focus of Accountability Legislation

Programs in the 1960's were primarily **state assessment programs** which were funded at least in part by ESEA Title III. These assessments were initially perceived as needs studies which were intended to identify the priority educational needs of a particular state's educational system. These programs have now expanded to include learner achievement data based either upon norm-referenced or criterion/objective-referenced instruments, and to contain procedures for the **evaluation of programs.** Many of the laws presented in this report have been enacted for state assessment/evaluation programs and for state testing programs. Some state testing programs are included in this report because the results frequently are used for instructional evaluation, program evaluation, program planning and for providing data for a management information system.

Financial restraints and the demand for fiscal accountability have led to the development of **modern management techniques.** Under this rubric fall such innovations (new to education, but already applied to business management techniques) as program planning and budgeting systems (PPBS), management by objectives (MBO), management information systems (MIS), and uniform accounting systems. Another focus of accountability legislation is directed to **professional personnel evaluation.** This area encompasses performance-based teacher education/certification/evaluation, administrative staff evaluation, and in-service training for educational personnel in such abilities as developing goals and objectives. A number of the laws represent these two major areas. Other approaches to accountability for which a few states have enacted laws are related to **performance-based school accreditation** and **performance contracting.** Table II below indicates how many states have enacted laws in these categories.

Table II

Number of States With Legislation
In Five Accountability-Related Categories
1973-1974

Category	Number of States
State assessment/evaluation; State testing programs	18
Modern management techniques	16
Professional personnel evaluation	13
Performance-based school accreditation	3
Performance contracting	2

Structure of the Report

The first part of Section I discusses the kinds of laws that were enacted from 1963 through 1974, mainly through the use of tables and a graph. The principal part of the report is concerned with the legislation enacted during the 1974 legislative sessions. These laws have taken various forms in their approaches to accountability and are commented upon in the text of Section I. Also discussed briefly in Section I are some of the laws that were introduced but failed to be enacted. A third part of Section I contains short summaries of laws that were overlooked in earlier versions of *Legislation by the States.*

Section II contains copies of all the laws that were enacted from 1963 through 1974 which are retained in the SEAR Repository, with the exception of the 1974 North Carolina budget bill.

Overview of Enacted Legislation, 1963-1974

Seventy-three laws containing approaches to accountability have been enacted by the state legislatures of thirty states from 1963 through the 1974 legislative sessions. Table III, page 4, presents the distribution of these laws by state, by year, and by descriptive category. A third of the states enacted more than one law (11 out of 30), and more than half of the seventy-three laws (42 out of 73) were passed by only five states: Arizona, California, Colorado, Connecticut, and Florida. Several of the laws of the five states amend previous statutes for the purpose of clarifying or updating the language; extending the present statutory authority; or rewording the language of the bill to eliminate certain constraints that proved to be unworkable or caused resistance. Six of Connecticut's laws are for the evaluation of specific programs, such as vocational and occupational education, special education, programs for the disadvantaged, innovative programs, etc.

Beginning in 1963 with the Pennsylvania Reorganization Act that has served as the basis for the Pennsylvania Educational Quality Assessment, the number of accountability laws began to increase in 1969 and 1970, and reached a peak in 1971 with a total of twenty-two statutes. This peak corresponds with the increase in public concern for the cost of education, as well as the demand for better accounting of federal and state monies for educational programs in the late 1960's. Since 1971 the passage of legislation related to accountability has leveled off to eleven statutes in 1972, eleven in 1973, and ten in 1974. The decline may be partly attributable to the uncertainty of federal funding to state education agencies. The realization of state legislators and educators that a comprehensive accountability and assessment system is costly also may be a factor. The graph on page 9 illustrates the trend followed from 1963 through 1974 in the number of legislative acts that are associated with accountability of which SEAR is cognizant.

Table III

Legislation With Accountability Concepts, 1963-1974

State and Law	Approaches to Accountability Covered by Legislative Acts									Total Laws Enacted
	State Test. Prog.	Assess. and/or Eval.	PPBS	MIS	MBO	Unif. Acctg. System	Prof. Pers. Eval.	School Accred.	Perf. Contr.	
1963										
PA Reorganization Act		X								
RI Ch. 16-22	X									2
1965										
CA Miller-Unruh Act	X									
MA Willis-Harrington Act		X								2
1967										
NM Ch. 16, S.59						X				
CA Ch. 1573			X							2
1968										
FL Ch. 229,S.229.551				X						1
1969										
CA State Testing Act	X	X								
CA Ch. 784		X				X[1]				
FL Ch. 216, S.216.141			X							
MI Public Act 307		X								
NB L.B. 959		X		X		X				
NM Ch. 180		X						X		
WA 28A							X			7

[1] The California law also includes cost effectiveness methods

Table III (continued)

State and Law	Approaches to Accountability Covered by Legislative Acts									Total Laws Enacted
	State Test. Prog.	Assess. and/or Eval.	PPBS	MIS	MBO	Unif. Acctg. System	Prof. Pers. Eval.	School Accred.	Perf. Contr.	
1970										
CA Ch. 1023		X[2]								
AK Ch. 35			X							
FL Ch. 70-399		X								
HI Act 185			X							
MI P.A. 38		X								5
1971										
CA Ch. 1220							X			
CA Ch. 361 (Stull Act)							X			
CA A.B. 2800			X							
CA Ch. 1600									X	
CO Ch. 123, S. 41		X								
CO Article 42[3]			X							
CO Ch. 123, S. 43		X								
CO Ch. 123, S. 17							X			
CO Ch. 123, S. 39	X								X	
CT P.A. 665		X								
CT P.A. 383		X								
CT P.A. 52		X								
CT P.A. 382		X								
CT. P.A. 430		X								
CT P.A. 326[4]		X								
FL H.B. 894[5]		X	X					X		
IN P.L. 309			X							

[2]This California law also specifies cost effectiveness.

[3]Amended in 1973 by Chapter 123, S. 42.

[4]Amended in 1974 by Public Act 100.

[5]Amended in 1974 by House Bill 1145.

Table III (continued)

State and Law	Approaches to Accountability Covered by Legislative Acts									Total Laws Enacted
	State Test. Prog.	Assess. and/or Eval.	PPBS	MIS	MBO	Unif. Acctg. System	Prof. Pers. Eval.	School Accred.	Perf. Contr.	
1971 (cont.)										
NJ S.B. 2233							X			
OR S.B. 131							X			
SD Ch. 62							X			
WI Ch. 125		X								
WI Ch. 215			X		X					
										22
1972										
AZ Ch. 2						X				
AZ Ch. 168		X								
CA A.B. 665	X									
CT P.A. 204[6]							X			
CT P.A. 115		X								
CT H.B. 5371		X								
FL Ch. 231, S.29							X			
IL S.B. 1548			X							
MD Article 77, S. 28A		X	X							
OH H.B. 475			X	X	X	X				
VA H. 845		X			X		X			
										11

[6]Amended in 1974 by Public Act 331.

Table III (continued)

State and Law	Approaches to Accountability Covered by Legislative Acts									Total Laws Enacted
	State Test. Prog.	Assess. and/or Eval.	PPBS	MIS	MBO	Unif. Acctg. System	Prof. Pers. Eval.	School Accred.	Perf. Contr.	
1973										
AZ Ch. 98[7]	X	X								
AR Act 876			X							
CO Ch. 123, S. 42			X							
CT P.A. 456[8]							X			
FL S.B. 622		X								
FL H.B. 734			X	X	X	X				
KS H.B. 1042							X			
MA Ch. 847							X			
NY Ch. 587		X								
RI Ch. 249		X		X		X				
TX H.B. 169			X							
										11
1974										
AZ Ch. 38	X									
AZ Ch. 60							X			
CT P.A. 100		X								
CT P.A. 331							X			
CT P.A. 278							X			
FL H.B. 1145		X								
GA S.B. 672		X				X	X			
IA S.B. 126		X								
UT H.B. 51		X								
VA S.B. 221		X					X			
										10
TOTAL ENACTED LAWS										73

[7]Amended in 1974 by Chapter 38.

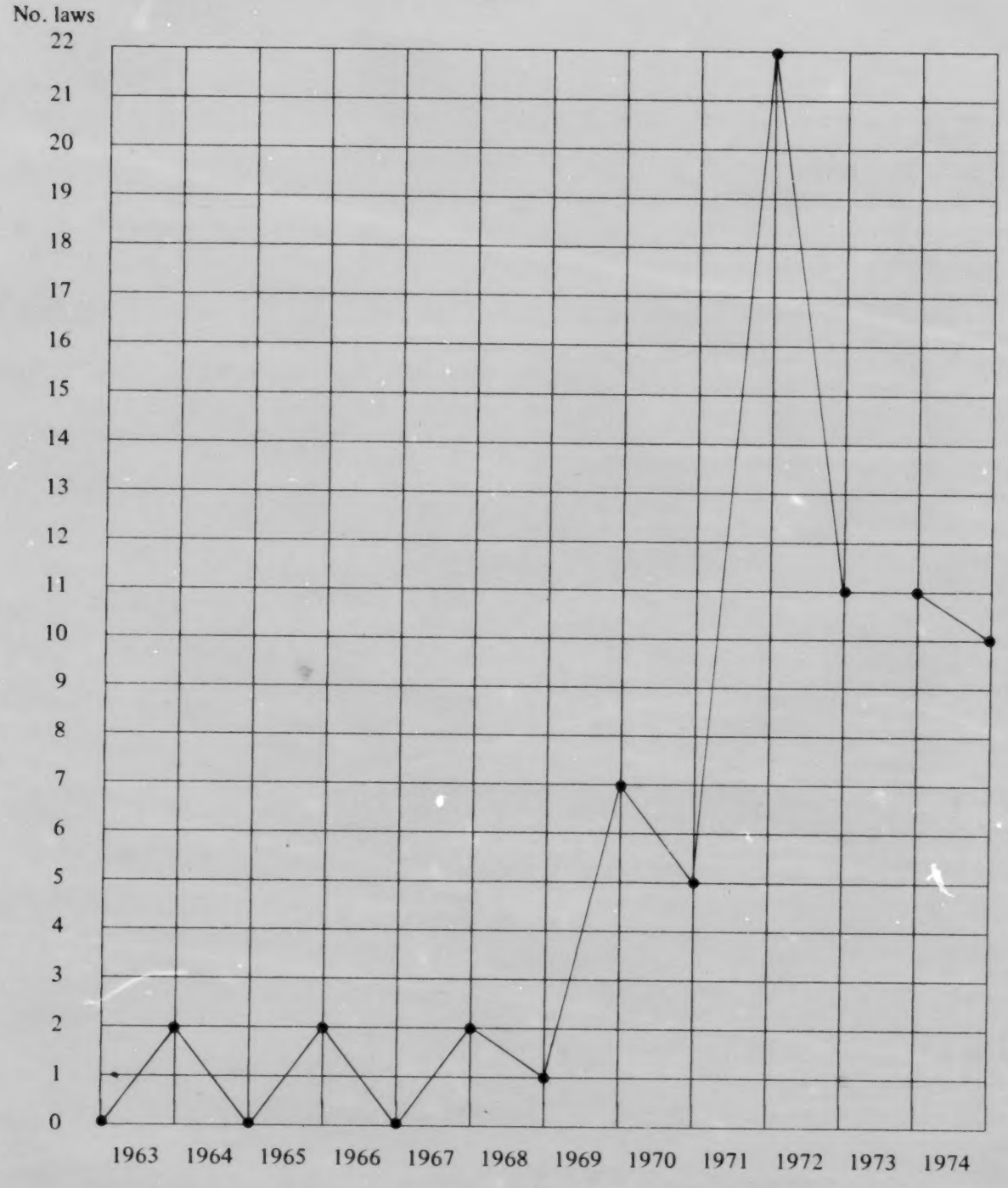
[8]Amended in 1974 by Public Act 278.

Table III (Continued)

State and Law	Approaches to Accountability Covered by Resolutions*									Total Resolutions Enacted
	State Test. Prog.	Assess. and/or Eval.	PPBS	MIS	MBO	Unif. Acctg. System	Prof. Pers. Eval.	School Accred.	Perf. Contr.	
Jt. Resolutions										
NM S.M. 40, 1971		X								
NV Jt. Res. 15, 1973							X			
OK Jt. Res. 1027, 1973		X						X		
VA Jt. Res. 161					X					4

*These Joint Resolutions are included because they are being implemented as law in these states, although a Resolution is not a true law in a statutory sense.

Number of Legislative Acts Supporting Accountability Concepts
1963 – 1974



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Enacted Legislation 1974

Laws enacted in 1974 fall under **state testing programs, assessment and/or evaluation,** and **professional personnel evaluation.** No PPBS legislation was enacted in 1974 that came to the attention of SEAR, although Georgia's 1974 law contains a provision for a uniform accounting system. Laws for comprehensive accountability systems have not been enacted since Michigan's Public Act 38 of 1970, Colorado's Article 41 of 1971, Florida's House Bill 894 of 1971, and Maryland's Article 77, S. 28A of 1972.

Georgia's 70-page Senate Bill No. 672 of 1974 is a comprehensive education law that encompasses all phases of public elementary and secondary education in the state. It repeals several existing laws and provides for instructional services, supportive services, cooperative education service agencies, grants to local units of administration for the operation of educational programs, district power equalization, capital outlay funds, and for the powers and duties of the State Board of Education, the Superintendent, and local units of administration. Some sections apply specifically to accountability; namely, the following:

> The State Board is to establish performance-based criteria upon which the instructional program of each public school will be evaluated.
>
> The State Board shall adopt such instruments, procedures and policies as deemed necessary to assess the effectiveness of the educational programs on a statewide basis at least annually in a minimum of three grade levels.
>
> A uniform budgeting and accounting system is to be established and implemented by local school boards.
>
> In-service training shall be provided for school administrators to plan and manage systematic programs to improve instructional and supportive services.
>
> The State Board is to establish classifications of teachers and other certificated professional personnel, but based only upon academic, technical and professional training and experience, and competency of such personnel.

Earlier, in 1972, the Department of Education supported a comprehensive and detailed accountability act that did not become law. It required the development and implementation of state and local systems of accountability; an educational improvement plan; demonstration schools to display new methods; and performance-based teacher evaluation. Each of these sections of the 1972 bill listed many responsibilities, duties and expectations to be accomplished within certain time limits. The enacted bill of 1974 does not get into as many specifics for assessment and evaluation of programs, nor is performance-based teacher evaluation as precisely identified. The 1972 bill called for the establishment of objectives for expected student performance and the determination of teacher effectiveness as it relates to the objectives; evaluation of other duties normally required of a teacher as an adjunct to his regular assignment; and procedures to ascertain that the teacher is maintaining a suitable learning environment. These requirements are a considerable contrast to the broader context expressed in the 1974 bill above.

Professional Personnel Evaluation

There is some increase in recent legislative sessions in the number of bills that contain teacher competency and evaluation procedures. Four bills were enacted in this area in the 1974 sessions with varying degrees of emphasis. It is interesting to note that one state, **Arizona**, has enacted a comprehensive performance-based teacher certification act while two other states, **Connecticut** and **Texas**, have effected a retrenchment in this area because the subject became a controversial issue in both states.

Arizona's Chapter 60 (House Bill No. 2064) provides for the following:

> A system of assessment and evaluation of the performance of certificated teachers in each school district.
>
> Each system shall involve the development and adoption by each school district of objective assessment and evaluation guidelines for the improvement of instruction.
>
> The governing boards of each district shall avail themselves of the advice of their certificated teachers in developing the guidelines and procedures used to evaluate.
>
> The guidelines shall include the establishment of criteria of expected teaching performance in each area of teaching, techniques for the assessment and evaluation of that performance, and assessment and evaluation of competence of certificated teachers as it relates to the established criteria.
>
> Any assessment and evaluation will be in writing with a copy for the certificated teacher, who may initiate a written response or reaction.
>
> Recommendations for improvement in performance shall be included and assistance given to the teacher to attain improvement.
>
> Each governing local board shall file its system of assessment and evaluation with the Department of Education by June 30, 1977.

The Department of Education must file a report indicating compliance with the Act to the State Legislature by January 15, 1978.

The bill also contains procedures to be followed for contracts for probationary and continuing teachers, and procedures for dismissal of continuing teachers, hearings, and appeals.

In contrast to the Arizona bill, **Connecticut's** Public Act No. 278 amends Public Act No. 456 enacted in 1973 for an annual evaluation of teachers based upon performance. In March, 1972, a Task Force on Performance, Evaluation and State Certification of School Personnel was appointed in the state to draw up statewide guidelines for local performance-based evaluation and state certification of professional school personnel. The guidelines and criteria for performance were produced in detail by the Task Force, but were met with resistance and were not approved by the State Board of Education. As noted in the August, 1973 updated version of *Legislation by the States,* the 1973 Act directed school superintendents of local districts to evaluate teachers based upon minimum performance criteria to be established by the State Board of Education and upon any additional performance criteria the local boards may have instituted. The State Board was to submit to the General Assembly the established performance criteria pursuant to the Act.

The 1974 bill supplants this section. The words, "performance criteria", have been eliminated. The superintendent of each district still is to evaluate each teacher, but in accordance with "guidelines" established by the State Board of Education for the development of evaluation programs and such other guidelines as may be established by mutual agreement between the local boards and the teachers' representatives. A report of existing evaluation procedures and plans for implementing the guidelines must be submitted to the State Board by the local district by January 1, 1975. The rest of the bill contains provisions for employment of teachers, renewal of contracts, dismissal procedures, hearings and appeals. A sum of $30,000 is appropriated to the Department of Education for the development, planning, research and evaluation of the guidelines and programs required by the Act and for assistance to town and regional boards of education, including in-service workshops for inplementing them.

A second bill enacted by **Connecticut** in the 1974 session, Public Act No. 331, updates and amends the state's teacher certification law. It contains procedures and requirements for attaining provisional certificates and standard certificates, revocation of certificates, appeals for nonrenewal, etc. Performance shall be continuously evaluated and teacher competency shall be evidenced by a signed recommendation from the superintendent of schools for the district or by the superintendent of a private school approved by the State Board of Education.

The **Texas** Attorney General in January, 1974, handed down an opinion in regard to the decision of the State Board of Education to mandate performance-based teacher education in the state.[4] In 1972, the State Board had devised and adopted Standards for Teachers in Education in Texas, which grew out of a field test of competency/performance-based teacher education conducted by the Texas Education Agency for the American Association of Colleges for Teacher Education. The State Board then mandated that all programs for preparing teachers and other school personnel at each of the sixty higher education institutions in the state be performance-based programs. The mandate became a controversial issue, and pressure from education groups and the state legislature led to a request by the Commissioner of Education for the Attorney General's opinion on the legality of the Board's mandate.

The Commissioner asked two questions: "(1) Is it within the authority of the Commissioner or State Board to include in the provisions for approval of teacher education programs the stipulation that the higher education institutions seeking program approval must present a performance-based application for approval? (2) If the answer is negative, is it then within their authority to include in the provisions for approval two or more alternative plans, only one of which would be performance-based, wherefrom the higher education institution may elect the alternative of its choice as a basis for presenting an application for approval?"[5]

The Attorney General ruled that "under present Texas law it is not within the authority of the State Board of Education or the State Commissioner of Education to stipulate that institutions seeking approval for teacher education programs must present 'performance-based' applications, but the Board, with the advice of the Commissioner, may promulgate rules and regulations whereby institutions seeking such approval could choose between alternative plans for program approval (one of which might be 'performance-based') and submit applications accordingly."[6]

Following the decision, the Commissioner advised the Texas teacher preparation institutions of higher education that applicable standards for teacher education and certifi-

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[4]"Attorney General's Ruling is Blow to C/PBTE in Texas." *Phi Delta Kappan,* March 1974, p. 469.

[5]"Competency/Performance-Based Teacher Education and Texas Attorney General's Opinion No. H-197." *PBTE,* Vol. 3, No. 2, May 1974. P. 3-4.

[6]*Ibid.* (Cites John L. Hill, Attorney General of Texas to J.W. Edgar, Commissioner of Education of Texas, Jan. 4, 1974. *Opinion No. H-197, p.930.)*

cation would include several alternatives, one of which would be the 1972 performance-based Standards.

It should be pointed out that the Attorney General's Opinion was not concerned with the legality of the performance-based approach to teacher preparation, but only with the authority of the Texas State Board and Commissioner of Education to mandate such a system solely for certification. The Attorney General also noted that some of the standards for teachers were "so vaguely and ambiguously stated as to be impossible of objective application, and some of the apparent demands on institutions of higher education may exceed those the legislature itself could require".[7]

In **Virginia's** new Standards of Quality law enacted for the 1974-76 biennium (Senate Bill 221, 1974 and Joint Resolution No. 161, 1974), teacher evaluation is touched upon in the statement that each school division shall maintain an up-to-date policy manual which shall include: (1) the grievance procedure prescribed by the Board of Education (2) a system of communication between the local school board and its employees (3) a cooperatively developed procedure for personnel evaluation. Further, one of the planning and management objectives for schools stated in the Joint Resolution directs the principal and his staff to provide for the cooperative evaluation of teachers and other employees. The evaluation of teachers is to be based upon classroom planning and management objectives quoted in the Resolution.

State Testing Programs, Assessment/Evaluation

The States of **Georgia, Iowa**, and **Utah** are newcomers since *Legislation by the States* was last printed and updated. **Georgia** enacted the aforementioned Senate Bill No. 672 in March, 1974.

The State of **Iowa** passed Senate Bill No. 126 in April, 1974, which amended their Educational Program of the Schools Law of 1973. Most of the bill is devoted to the standards and regulations required for the accreditation of public and nonpublic schools in the state. A new section on the evaluation of educational programs was added to the bill. It states that each public school district and nonpublic school shall determine major educational needs, rank them in priority order, and develop long-range plans to meet the needs. Both long-and short-range plans to attain the desired levels of pupil achievement are to be established, implemented, and continuously evaluated. Reports of progress must be made to the superintendent of public instruction at his request.

In **Utah's** 1974 budget session of the state legislature, House Bill No. 51 for the school finance program was enacted which states in Section 8 that the State Board of Education is directed and empowered to assess the progress and degree of effectiveness of all programs funded under the act and to report such assessment to the Legislature.

Arizona enacted a second law in the 1974 session. Chapter 38 (House Bill 2261) extends their standardized reading achievement test given annually to all pupils in the third grade to a standardized mathematics achievement test to be given to all pupils enrolled in the fifth grade.

Connecticut enacted a third law in 1974, Public Act No. 100, which updates Public Act No. 326 of 1971 for the evaluation of special education programs and which contains more definitive requirements. The earlier bill directed the State Board of Education to evaluate periodically the progress and accomplishments of the programs and to review annually with the General Assembly its findings and the disbursement of the funds. The new 1974 bill directs the State Board to develop, implement, and test on an experimental basis a model for the evaluation of special education programs. The model should establish a means for developing goals and objectives for the exceptional child; a method for determining the ability of the programs to meet the goals and objectives; methods and procedures for evaluation; and the development of a data collection system to assist in such evaluation. Progress is to be reviewed annually with the General Assembly, and a $300,000 appropriation will be supplied to the Department of Education for implementing the Act.

Florida's House Bill No. 1145 contains amendments to House Bill 894 enacted in 1971, the Educational Accountability Act upon which their statewide objectives-based assessment is founded. The original Act called for objectives to be developed for each grade level and subject area. The Act should apply to the subject area of reading by the 1971-72 school year; writing and mathematics by the 1972-73 school year; and other subject areas by the 1973-74 school year. In actual practice, assessment of grades 2 and 4 in reading took place in 1972; of grades 3, 6, and 9 in reading, mathematics, and writing in 1973; and of grades 3, 6, and 9 in reading, writing, and mathematics, and of grades 6 and 9 in science in 1974. The amended bill stipulates that grade 3 and 6 be assessed in the subject areas of reading, writing, and mathematics in 1975 and grades 3 through 6 by 1976. No other subject area is to be tested until the assessment of reading, writing, and mathematics has been implemented. Statewide results are to be compared to National Assessment results, and an interpretation of the tests in each school are to be reported in the annual report of school progress.

House Bill No. 1692 was introduced in the **North Carolina** 1973 legislative session but did not pass. According to the Department of Education staff, a line item budget appropriation was granted to the State Board of Education in the 1974 budget session with the expectation

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[7] "Attorney General's Ruling is Blow to C/PBTE in Texas." *Phi Delta Kappan.* March 1974. p. 469.

that the intent of the bill would be carried out. The intent of the bill is to provide state funds for local school districts so that each unit can plan and implement a testing and evaluation program which has multiple purposes, including the public reporting of school district achievement. It is to allow for the coordination of testing programs and evaluation services among school units within the state. In-service education is to train local staff members in implementing the technical components of evaluation designs, securing appropriate tests, and interpreting the results. In the original bill, a total of $600,000 was to be allocated to local school administrative units for the support of the testing and evaluation programs out of a $1,113,835 appropriation to the State Board of Education for establishment of the program for the public schools. The 1974 budget appropriation amounted to $400,000, which is to be allocated to the local district units. Grants amounting to $250,000 are to be provided to local districts for enhancing their testing programs, additional scoring services, etc. The remainder of $150,000 is for ten persons to work in regional centers to provide services to teachers and school administration personnel in regard to the programs.

Introduced Legislation Not Enacted

Accountability legislation has been introduced in recent sessions of other states but has not been enacted. In some cases this was due to lack of funding, and in other cases department of education staff found the bills to be impractical and were able to persuade their legislators to withdraw them. One comprehensive accountability bill was introduced to the **Minnesota** State Legislature in 1973 and again, with revisions, in 1974 without success either year. House Bill No. 2415 explicitly defined what should be accomplished with specific emphasis on the projects to be completed by 1973-74 and 1974-75. A separate division was to be established by the State Board of Education known as the Center for Management Assistance. The Center was to be comprised of an objectives section, a program research and development section, and an assessment section, each section assisted by an advisory board and responsible for a great many tasks. Some of these were to develop accountability measures designed to train school personnel in management by objectives and in developing instructional objectives for programs; to provide an organized pool of school management goals, instructional objectives, and evaluation indicators for the schools; and to develop a school management design which could implement objectives-based instruction effectively and efficiently. The project was subject to annual evaluation, periodic progress reports, and a biennial evaluation and project summary. Statewide testing of academic expectancy by population, using criterion-referenced measures, was to take place by 1974-75. State funding in the amount of $5,250,000 was to be appropriated. A great many details are omitted here from the 11-page bill which would have required a large outlay in terms of staff and funding.

An accountability system was proposed in **Kansas** that requested the State Board of Education to adopt a program of accountability for local districts. Each district was to develop a master plan of education for accountability purposes. It was to include a statement of educational needs, district educational goals, performance objectives, operational objectives, procedures for implementation, evaluation procedures, and priorities of goals and objectives. All districts in Kansas were to have the accountability program by the beginning of the 1978-79 school year. District accreditation would be based upon an annual audit of the district's plan. Lack of financial resources was cited as a prime cause for the failure of this proposal.

Department of Education staff in **Alabama** persuaded their legislators to substitute for an accountability bill the appointment of an interim legislative committee to work directly with the Department staff in the various areas of education. Reorganization of the state legislature followed and the committee never was appointed, although the Department of Education has kept the legislators informed of its plans.

A **Mississippi** legislator introduced an accountability law that was tied in with the state assessment but this bill failed to pass. Department staff feel that an accountability law is likely to pass in a subsequent legislative session.

In **Maryland**, legislators attempted to repeal the state's original accountability law enacted in 1972, but the Department of Education was successful in opposing the bill's passage. The new bill would have had the Department develop its own test measures for assessment purposes, which is not feasible for the Department at the present time, although it is a likely possibility in the future.

Washington did not enact House Bill 764, another accountability bill, in their 1974 legislative session.

It is of interest to note that in **Louisiana** the Department of Education is developing an accountability model presently being tested in six local parishes under a Title 5, Part C grant. Until this model has been in operation and a plan can be developed based upon experience with it, the Superintendent has been successful in asking the Legislature not to enact any accountability legislation.

Legislation Enacted Prior to 1974
Not Reported Previously

Also contained in Section II are copies of statutes that were enacted in previous years but were not reported in prior reports of *Legislation by the States.* These are laws for Colorado, Florida, Massachusetts, New Mexico, and Wisconsin. They are briefly described below:

COLORADO

Chapters 123, S. 43 (Article 43, 1971), called the Comprehensive Educational Planning Act. Assists local school districts in comprehensive educational planning by providing funds for the development of school improvement plans. Such plans are to include evaluation of present programs and the development of a procedure to enable pupils to meet delineated goals. Participation by community representatives, professional personnel and students is to be provided in all phases of preparation of the plan.

Chapter 123, S. 39 (House Bill No. 1295, 1971). Purpose is to assist certain local school districts to implement programs to improve the educational achievement of those students who are below their assigned grade level in reading. The programs will be evaluated by the State Board, and performance contracting has been and may be conducted on a voluntary basis under this law.

Chapter 123, S. 17, par. 17 (House Bill No. 1024, 1971). This bill is concerned with the qualification of approved in-service education programs as recertification credit to improve the quality of the learning process. Criteria for the programs are to be set by the State Board of Education and an evaluation plan is to be included.

Chapter 123, S. 42 (House Bill No. 1020, 1973), cited as the Financial Policies and Procedures Act. This Act repeals the original PPBES Act of 1971, Article 42. It calls for a program-oriented budget format which will relate anticipated costs and actual costs to designated programs. The first PPBES Act had asked for a budget format that would present educational programs in terms of pupil achievement and relate them to expenditures. A penalty for noncompliance in the first bill was omitted in the 1973 bill. The State Board of Education is to adopt a financial policies and procedures handbook compatible with the provisions of the Accountability Act of 1971, and the plan is to be fully implemented by all school districts having a school population of over 100 students by January 1, 1976.

FLORIDA

Chapter 229, S. 229.551, 1968. Calls for an expansion of a management information system and utilization of modern management techniques to improve the efficiency and economy of the education system.

Chapter 216, S. 216.141, 1969. Florida Governmental Reorganization Act of 1969. Directs all state agencies to implement a PPBS.

MASSACHUSETTS

Chapter 847, 1973. This bill was enacted in 1973, but is to take effect in September, 1974. It updates teacher certification laws and appoints a commission to recommend standards and procedures for certification and program approval. The Commission is to develop and recommend alternative methods of establishing qualifications to provide for differing individuals and institutions, including performance requirements. Objective and verifiable standards are to be developed for determining the competence of educational personnel.

NEW MEXICO

Senate Memorial No. 40, 1971. This Resolution was originally omitted from *Legislation by the States* because resolutions ordinarily do not carry the force of law. In subsequent correspondence with Department of Education personnel, it was stated that the Department of Education has acted as though the Resolution were law in devising its system of evaluation and assessment. Educational evaluation committees are to be organized in the various school districts that have no current evaluation procedures. The duties of the committees include preparation of long- and short-range objectives for the schools, recommendations for implementing them, and formulation of measurements for their achievement.

WISCONSIN

Chapter 215, Laws of 1971, S. 16.42. Requires all state agency departments to implement a PPBS and management by objectives.

SECTION II

COPIES OF LEGISLATIVE ACTS

SUPPORTING

ACCOUNTABILITY CONCEPTS,

1963-1974

ALASKA

Alaska's Act is related to the executive budget and mandates a PPBS for all state agencies.

CHAPTER NO. 35, EXECUTIVE BUDGET ACT
(Enacted June 11, 1970)

AN ACT TO PROVIDE FOR A COMPREHENSIVE SYSTEM FOR STATE PROGRAM BUDGETING AND FINANCIAL MANAGEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Be it enacted by the Legislature of The State of Alaska:

Section 1. AS 37 is amended by adding a new chapter to read:

Sec. 37.35.010. Statement of Policy. It is the purpose of this chapter to establish a comprehensive system for state program and financial management which furthers the capacity of the governor and legislature to plan and finance the services which they determine the state will provide for its citizens. The system shall include procedures for

(1) the orderly establishment, continuing review and periodic revision of the program and financial goals and policies of the state;

(2) the development, coordination and review of long-range program and financial plans that will implement established state goals and policies;

(3) the preparation, coordination and analysis, and enactment of a budget organized to focus on state services and their costs, that authorizes the implementation of policies and plans in the succeeding budget period;

(4) the evaluation of alternatives to existing policies, plans and procedures that offer potential for more efficient state services;

(5) the regular appraisal and reporting of program performance.

Sec. 37.50.020. Responsibilities Of The Governor. The governor shall direct the preparation and administration of the state budget. He shall evaluate the long-range program plans, requested budgets and alternatives to state agency policies and programs, and formulate, and recommend for consideration by the legislature, a proposed comprehensive program and financial plan which shall cover all estimated receipts and expenditures of the state government, including all grants, loans, and money received from the federal government. Proposed expenditures may not exceed estimated receipts and surpluses.

Sec. 37.35.030. Responsibilities Of The Legislature. The legislature shall

(1) provide for a budget review function;

(2) analyze the comprehensive program and financial plan recommended by the governor;

(3) adopt legislation to authorize implementation of the governor's comprehensive program and financial plan or appropriate alternatives to that plan;

(4) provide for a post-audit function, to cover financial transactions, program accomplishment and compliance with legislative intent.

Sec. 37.35.040. Division Of Budget And Management. The budget and management division shall

(1) assist the governor in the preparation and explanation of the proposed comprehensive program and financial plan, including the coordination and analysis of state agency program goals and objectives, program plans and program budget requests;

(2) develop procedures to produce the information needed for effective policy decision-making;

(3) assist state agencies in their statement of goals and objectives, preparation of program plans, program budget requests and reporting of program performance;

(4) administer its responsibilities under the program execution provisions of this chapter so that the policy decisions and budget determinations of the governor and the legislature are implemented;

(5) provide the Legislative Affairs Agency with the budget information it may request.

Sec. 37.35.050. Agency Program And Financial Plans. (a) Each state agency, on the date and in the form and content prescribed by the division, shall prepare and forward to the division and the Legislative Affairs Agency

(1) the goals and objectives of the agency programs, together with proposed supplements, deletions and revisions;

(2) its proposed plans to implement the goals and objectives, including estimates of future service needs, planned methods of administration, proposed modification of existing program services and establishment of new program services, and the estimated resources needed to carry out the proposed plan;

(3) the budget requested to carry out its proposed plans in the succeeding fiscal year, including information reflecting the expenditures during the last fiscal year, those authorized for the current fiscal year, those proposed for the succeeding fiscal year, an explanation of the services to be provided, the need for the services, the cost of the services, and any other information requested by the division;

(4) a report of the receipts during the last fiscal year, an estimate of the receipts during the current fiscal year, and an estimate for the succeeding fiscal year;

(5) a statement of legislation required to implement the proposed programs and financial plans;

(6) an evaluation of the advantages and disadvantages of specific alternatives to existing or proposed program policies or administrative methods.

(b) The state agency proposals prepared under (a) of this section shall describe the relationships of their program services to those of other agencies, of other governments, and of nongovernmental bodies.

(c) The division shall assist agencies in the preparation of their proposals under (a) of this section. This assistance may include technical assistance, organization of materials,

centrally collected accounting, budgeting and personnel information, standards and guidelines formulation, population and other required data, and any other assistance that will help the state agencies produce the information necessary for efficient agency management and effective decision-making by the governor and the legislature.

(d) If any state agency fails to transmit the program and financial information provided under (a) of this section on the specified date, the division may prepare such information.

(e) The division shall compile and submit to the governor-elect in any year when a new governor has been elected, not later than November 20, a summary of the program and financial information prepared by state agencies.

Sec. 37.35.060. Governor's Recommendation. (a) The governor shall formulate the program and financial plan to be recommended to the legislature after considering the state agency proposed program and financial plans, and other programs and alternatives that he considers appropriate. The plan shall include his recommended goals and policies, recommended plans to implement the goals and policies, recommended budget for the succeeding fiscal year, and recommended revenue measures to support the budget.

(b) The governor shall present the proposed comprehensive program and financial plan in a message to a joint session of the legislature before the fourth legislative day following the convening of the legislature in regular session. The message shall be accompanied by an explanatory report which summarizes recommended goals, plans, and appropriations. The report shall contain

(1) the coordinated program goals and objectives which the governor recommends to guide the decisions on the proposed program plans and budget appropriations;

(2) his program and budget recommendations for the succeeding fiscal year;

(3) a summary of state receipts in the last fiscal year, a revised estimate for the current fiscal year, and an estimate for the succeeding fiscal year;

(4) a summary of expenditures during the last fiscal year, those authorized for the current fiscal year, and those recommended by the governor for the succeeding fiscal year; and

(5) any additional information which will facilitate understanding of the governor's proposed program and financial plan by the legislature and the public.

(c) The governor, at the time of his presentation of the proposed comprehensive program and financial plan in the message to the joint session of the legislature under (b) of this section, shall also submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

Sec. 37.35.070. Legislative Review. The legislature shall consider the governor's proposed comprehensive program and financial plan, evaluate alternatives to the plan, make program selections among the various alternatives and determine, subject to available revenues, the level of funding required to support authorized state services.

Sec. 37.35.080. Program Execution. (a) Except as limited by policy decisions of the governor, appropriations by the legislature, and other provisions of law, the several state agencies shall have full authority for administering their program service assignments and shall be responsible for their proper management.

(b) Each state agency shall prepare an annual plan for the operation of each of its assigned programs except for programs that are exempted from this requirement by the division. The operations plan shall be prepared in the form and content and be transmitted on the date prescribed by the division.

(c) The division shall

(1) review each operations plan to determine that it is consistent with the policy decisions of the governor and appropriations by the legislature, that it reflects proper planning and efficient management methods, that appropriations have been made for the planned purpose and will not be exhausted before the end of the fiscal year;

(2) approve the operations plan if satisfied that it meets the requirements under (1) of this subsection; otherwise, the division shall require revision of the operations plan in whole or in part;

(3) modify or withhold the planned expenditures at any time during the appropriation period if the division finds that such expenditures are greater than those necessary to execute the program at the level authorized by the governor and the legislature, or that the receipts and surpluses will be insufficient to meet the authorized expenditure levels.

(d) No state agency may increase the salaries of its employees, employ additional employees, or expend money or incur obligations except in accordance with law and properly approved operations plan.

(e) Appropriation transfers or changes as between objects of expenditures or activity areas within a program may be made by the head of a state agency upon approval of the division. Appropriation transfers or changes between programs within an agency may be made upon review by the division and approval of the governor, and shall be reported to the legislature quarterly. No transfers may be made between agencies.

(f) The division shall report quarterly to the governor and the legislature on the operations of each state agency, relating actual accomplishments to those planned, and modifying, if necessary, the operations plan of any agency for the balance of the fiscal year.

Sec. 37.35.090. Performance Reporting. (a) Each state agency shall submit a performance report to the division on or before September 1 for the preceding fiscal year. These reports shall be in the form prescribed by the division after consultation with the Legislative Affairs Agency, and shall include statements concerning

(1) the work accomplished and the services provided in the preceding fiscal year or other meaningful work period, relating actual accomplishments to those planned under sec. 80(b) of this chapter;

(2) the relationship of accomplishments and services to the policy decisions and budget determinations of the

governor and the legislature;

(3) the costs of accomplishing the work and providing the services, and, to the extent feasible, citing meaningful measures of program effectiveness and cost;

(4) the administrative improvements made in the preceding year, potential improvements in future years, and suggested changes in legislation or administrative procedures to make further improvements.

(b) The division shall summarize the performance reports and forward copies to each member of the legislature.

Sec. 37.35.100. Proposed Supplemental Or Deficiency Appropriations. The governor from time to time may transmit to the legislature such proposed supplemental or deficiency appropriations as in his judgment are necessary on account of laws enacted after the transmission of the budget, or are otherwise in the public interest. He shall accompany such proposals with a statement of the reasons therefor, including the reasons for their omission from the budget.

Sec. 37.35.110. Interpretation Of Chapter. This chapter shall be construed as supplemental to all other state laws not in conflict with it. If a section or part of a section of this chapter is in conflict with federal requirements for a program for which federal grant-in-aid funds are available, the section or part, to the extent of the conflict, is inoperative.

Sec. 37.35.120. Definitions. In this chapter

(1) "agency" means a department, officer, institution, board, commission, bureau, division, or other administrative unit forming the state government and includes the Alaska Pioneers Home, but does not include the legislature or the judiciary;

(2) "division" means the division of budget and management, Department of Administration;

(3) "fiscal year" means a year beginning on July 1 of one calendar year and ending on June 30 of the following calendar year.

Sec. 37.35.130. Short Title. This Act may be cited as the Executive Budget Act.

Sec. 2. AS 37.05.290. is amended to read:

Sec. 37.05.290. Purpose. The purpose of this chapter is to provide uniform financial procedures for all state agencies with respect to accounting, purchasing, post auditing, and related financial procedures; and to revise financial procedures to obtain economy, efficiency, and integrity in handling public money.

Sec. 3. The following laws are repealed: AS 37.05.060–37.05.120.

Sec. 4. This Act takes effect July 1, 1970.

ARIZONA

Section 15-102 of Chapter 168 was amended by the State Legislature in May, 1972. It requires the State Board of Education to implement an evaluation system of pupil achievement based upon measurable performance objectives in basic subjects by 1975, and to prescribe a uniform system of records and accounting.

CHAPTER 168, 1972 (SENATE BILL 1294)

AN ACT RELATING TO EDUCATION: ESTABLISHING A PROGRAM FOR BASIC SCHOOL PROGRAM EVALUATION AND AMENDING SECTION 15-102, ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:..

The state board of education shall:...

23. Prescribe, in consultation with the auditor general, a uniform system of records and accounting.

24. By June 30, 1975, in cooperation with all local school districts, develop, establish, and direct the implementation of a continuous uniform evaluation system of pupil achievements in relation to measurable performance objectives in basic subjects. The board shall assist in the development of alternate learning procedures to help pupils attain their individual learning expectancy levels based on intelligence factors, achievement factors and teacher evaluation. Basic subjects shall be defined for these purposes as reading, writing, and computation skills.

Chapter 2, House Bill 2102, was enacted in 1972. It appropriated $175,000 to the Department of Education for developing the system of cost accounting to be used by all the public schools.

CHAPTER 2, HOUSE BILL 2102
(Enacted February, 1972)

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION FOR DEVELOPING COST ACCOUNTING SYSTEM.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Appropriation; purposes

A. In addition to the appropriations made by chapter 202, subdivision 77, and chapters 59 and 176, Laws 1971, the sum of one hundred seventy-five thousand dollars is appropriated to the state department of education for the purpose of developing, in collaboration with the auditor general, a system of cost accounting, including computer programs, to be used by the public schools of the state, for the preparation, publication and distribution of this system to the schools in the form of a cost accounting manual and for hiring of the necessary personnel to assist pilot school districts through June 30, 1973.

B. The department with the approval of the auditor general may contract for the development of the cost accounting system authorized by this act.

Sec. 2. Exemption; lapsing of appropriation

The appropriation made by this act is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations, except that all of such monies remaining unencumbered or unexpended on June 30, 1973, shall revert to the state general fund.

Sec. 3. Emergency

To preserve the public peace, health and safety it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

The 1973 Arizona State Legislature amended Sections 15-1131 and 15-1134 of Article 2.1 which was enacted in 1969. The bill requires an annual, standardized statewide reading achievement test for grade 3 pupils. The amended portions of the bill change the testing date from the last week in January to the first week in October, and specify that a copy of the results from each district shall be sent to the district 10 days before release of the results elsewhere. The bill reproduced below with the amended sections replaces Article 2.1, 1969 in the previous legislation reports.

CHAPTER 98, 1973, ARTICLE 2.1
(as amended by Senate Bill 1206)

AN ACT RELATING TO EDUCATION; PROVIDING FOR THE TESTING OF READING ACHIEVEMENT LEVEL OF THIRD GRADE PUPILS IN OCTOBER, REQUIRING THE RESULTS OF TESTS TO BE SENT TO THE SCHOOL DISTRICT AND AMENDING SECTIONS 15-1131 and 15-1134, ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-1137, Arizona Revised Statutes, is amended to read:

15-1131. Testing pupils in third grade

A standardized reading achievement test adopted by the state board of education shall be given annually in the first week of October to all pupils who are enrolled in the third grade. The state board of education shall promulgate rules and regulations governing the methods for the administration of all such uniform tests.

Sec. 2. Section 15-1134, Arizona Revised Statutes, is amended to read:

15-1134. Test results

The results of any uniform tests administered to pupils under this article shall be reported to the state board of education. The results shall include the score of each individual pupil, the score of each classroom, the score of each school and such other information or comparative data as the state board of education may by regulation

require. A copy of such results shall be retained in the office of the state superintendent. A copy of the results from each district shall be sent to the district. No results shall be otherwise released until ten days after the report to each district. The state superintendent, by utilizing experts in the field of test evaluations, shall annually assess the effectiveness of reading programs. An annual report shall be submitted to the state board of education, to the legislature, each district board of education in the state and all superintendents. The state board of education shall annually make recommendations to the legislature with respect to such test results and analysis which will enhance the quality of the reading program in the public schools.

Section 15-1131 of the above Act was amended again by Chapter 38 enacted in 1974.

CHAPTER 38 (HOUSE BILL 2261), 1974
(Amends Chapter 98, 1973)

AN ACT RELATING TO EDUCATION; PROVIDING FOR STANDARDIZED MATHEMATICS ACHIEVEMENT TESTS, AND AMENDING SECTION 15-1131, ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-1131, Arizona Revised Statutes, is amended to read:

15-1131. Testing pupils in elementary grades

A standardized reading achievement test adopted by the state board of education shall be given annually in the first week of October to all pupils who are enrolled in the third grade. A standardized mathematics achievement test adopted by the state board of education shall be given annually in the first week of October to all pupils who are enrolled in the fifth grade. The state board of education shall promulgate rules and regulations governing the methods for the administration of all such uniform tests.

CHAPTER 60 (HOUSE BILL 2064), 1974

AN ACT RELATING TO EDUCATION; PROVIDING FOR CONTRACTS FOR PROBATIONARY OR CONTINUING TEACHERS; PROVIDING PROCEDURES FOR DISMISSAL OF CONTINUING TEACHERS, HEARINGS AND APPEALS; PROVIDING FOR TEACHER ASSESSMENT AND EVALUATION; AMENDING SECTION 15-252, ARIZONA REVISED STATUTES; REPEALING SECTIONS 15-253 THROUGH 15-256, AND SECTION 15-259, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 15-253 THROUGH 15-255 AND SECTIONS 15-262 THROUGH 15-265, AND AMENDING TITLE 15, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-252, Arizona Revised Statutes, is amended to read:

15-252. Contracts for probationary or continuing teachers; notice for probationary teacher termination

A. Subject to the provisions of Sections 15-253, 15-254, 15-255 and 15-257, the governing board shall, between March 15 and May 15, offer a teaching contract for the next ensuing school year to each probationary teacher and a contract renewal for each continuing teacher under a contract of employment with the district for the current school year, unless, on or before April 15 the governing board, a member thereof acting on behalf of the board, or the superintendent of the school district, gives notice to the probationary teacher of the board's intention not to offer a teaching contract or renewal thereof or in the case of a continuing teacher, unless such teacher has been dismissed pursuant to this article. The probationary or continuing teacher's acceptance of the contract for the ensuing year must be indicated within thirty days after receipt of the contract or contract renewal by signing and returning the contract or by an acceptance in writing which is delivered to the governing board or the offer of contract or contract renewal is revoked.

B. Notice of the board's intention not to reemploy a probationary teacher shall be by delivering it personally to the teacher or by sending it by registered or certified mail bearing a postmark of on or before April 15, directed to the teacher at his place of residence as recorded in the school district records. The notice shall incorporate a statement of reasons for not reemploying the teacher.

Sec. 2. Repeal

Sections 15-253 through 15-256 and section 15-259, Arizona Revised Statutes, are repealed.

Sec. 3. Title 15, chapter 2, article 3, Arizona Revised Statutes, is amended by adding new sections 15-253 through 15-255 and sections 15-262 through 15-265, to read:

15-253. Dismissal of continuing teacher

A. Upon a written statement of charges formulated by the governing board, charging that there exists cause for the dismissal of a continuing teacher of the district, the governing board shall, except as otherwise provided in this article, give notice to the continuing teacher of its intention to dismiss him at the expiration of thirty days from the date of the service of the notice.

B. Any written statement of charges alleging unprofessional conduct or incompetency shall specify instances of behavior and the acts or omissions constituting the charge so that the teacher will be able to prepare a defense. It shall, if applicable, state the statutes, rules or written objectives of the governing board which the teacher is alleged to have violated and set forth the facts relevant to each occasion of alleged unprofessional conduct or incompetency.

C. The notice shall be in writing and be served upon the teacher personally or by United States Registered or Certified mail addressed to him at his last known address. A copy of the charges, together with a copy of the provisions of this article, shall be attached to the notice.

D. The teacher shall have the right to a hearing if he files a written request with the governing board within thirty days of service of notice. The filing of a timely request shall suspend the dismissal procedure pending completion of the hearing.

15-254. Suspension prior to dismissal of a teacher

A. Upon a written statement of charges formulated by the Governing Board, charging a teacher of the district with cause for dismissal, the board may immediately suspend the teacher from his duties and give him notice of suspension.

B. The notice of suspension shall be in writing and be served upon the teacher personally or by United States Registered Mail addressed to the teacher at his last known address.

C. Any teacher who is suspended pursuant to this section shall continue to be paid regular salary during the period of suspension.

15-255. Compulsory leaves of absence

A. If any certificated teacher is charged by criminal complaint, information or indictment with any criminal offense which would be deemed cause for dismissal, the governing board may immediately place the teacher on compulsory leave of absence for a period of time extending for not more than ten days after the date of the entry of the judgment in the proceedings.

B. Any teacher placed upon compulsory leave of absence pursuant to this section shall continue to be paid regular salary during the period of compulsory leave of absence.

15-262. Membership of commission; time requirement to hear

A. If a hearing is requested by the teacher, the hearing shall be commenced within thirty days from the date of the filing of such request. The hearing shall be conducted and a summary of findings made in accordance with the provisions of section 41-785.

B. Upon request for a hearing, a commission shall be authorized and members appointed thereto by the governing board to conduct the hearing provided for in subsection A of this section. Appointment of commission members shall be made pursuant to the selection provided for in subsection C of this section.

C. One member of the commission shall be selected by the teacher, and one member shall be selected by the governing board. The third member shall be selected by these other two members and shall be chairman and a voting member of the commission. If either the governing board or the teacher for any reason fail to select a commission member within seven days of the filing of the request for a hearing, such failure shall constitute a waiver of the right to selection, and the county school superintendent shall immediately make a selection for the defaulting party. If the members selected by the governing board and teacher, or county school superintendent in the event or default of one or both of the parties, cannot agree within ten days of their appointment on the selection of a third member the third member of the commission shall be selected by the State Personnel Commission.

D. The commission findings shall be made by a majority vote of the commission and shall be rendered by a written summary containing findings of fact, determination of issues and a recommendation either that the teacher should be dismissed or that the teacher should not be dismissed.

E. The findings of the commission shall be reviewed by the governing board which shall render and, as appropriate, implement its decision.

15-263. Hearing costs; counsel; limitations on evidence; reinstatement

A. The governing board shall pay all expenses of the hearing. The teacher and the governing board shall pay their own attorney and witness fees, except if the commission recommends that the teacher not be dismissed, the governing board shall pay all reasonable attorney and witness fees incurred by the teacher.

B. Members of the commission shall not be compensated but are eligible for reimbursement, from the district, of expenses as authorized for state employees under Title 38, Chapter 4, Article 2.

C. The governing board and the teacher have the right to be represented by counsel at any hearing under this section.

D. No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given on evidence introduced relating to teaching competency which occurred more than four years prior to the date of the service of the notice. Evidence of records regularly kept by the governing board concerning the teacher may be introduced, but no decision relating to the dismissal or suspension of any teacher shall be made based on charges or evidence relating to teacher competency occurring more than four years prior to service of the notice. The four-year time limit shall not apply to the introduction of evidence in any area except that relating to competency.

E. If a continuing teacher has been suspended pending the hearing he shall be reinstated within five days after the governing board renders a decision not to dismiss.

15-264. Appeal of governing board decision; reinstatements

The decision of the governing board may, on appeal of a continuing teacher, be reviewed by a court of competent jurisdiction in the same manner as the decision made in accordance with the provisions of section 41-785. The proceeding shall be set for hearing at the earliest possible date and shall take precedence over all other cases, except older matters of the same character and matters to which special precedence is otherwise given by law.

15-265. Notice prior to charges of incompetency

The governing board of any school district shall not formulate any charges of incompetency against a continuing or probationary teacher unless during the preceding term, semester or half school year prior to the date of the notice to the teacher of intention to dismiss and at least ninety days prior to the date of the notice, the board or its authorized representative has given the teacher

written notice of incompetency, specifying the nature thereof with such specific instances of behavior and with such particularity as to furnish the teacher an opportunity to correct his faults and overcome the grounds for such charge. The written notice of intention to dismiss shall include a copy of any evaluation pertinent to the charges made and filed with the board.

Sec. 4. Title 15, Chapter 2, Arizona Revised Statutes, is amended by adding article 4, section 15-268, to read:

Article 4. Teacher assessment and evaluation

15-268. System of assessment and evaluation; filing dates

A. There shall be a system of assessment and evaluation of the performance of certificated teachers within each school district of the state which shall involve the development and adoption by each school district of objective assessment and evaluation guidelines for the improvement of instruction. In the development and adoption of these guidelines and procedures, the governing board shall avail itself of the advice of its certificated teachers.

B. The system of assessment and evaluation developed and adopted by each governing board shall be filed with the state department of education by June 30, 1977.

C. The State Department of Education shall file a report with the president of the senate, the chairman of the senate education committee, the speaker of the house of representatives and the chairman of the house education committee by January 15, 1978, indicating compliance.

D. The governing board of each school district shall develop and adopt specific assessment and evaluation guidelines for the improvement of instruction which shall include the following elements:

1. The establishment of criteria of expected teaching performance in each area of teaching and of techniques for the assessment and evaluation of that performance.

2. Assessment and evaluation of competence of certificated teachers as it relates to the established criteria.

E. Any assessment and evaluation made pursuant to this article shall be in writing and a copy thereof transmitted to the certificated teacher. The certificated teacher may initiate a written reaction or response to the assessment and evaluation.

F. Assessment and evaluation of the performance of each certificated teacher shall be a continuous process, at least twice each year for probationary teachers, and at least every other year for personnel with continuing status.

G. Each assessment and evaluation shall include recommendations as to areas of improvement in the performance of the teacher. After transmittal of an assessment, a designee of the board shall confer with the teacher to make specific recommendations as to areas of improvement in the teacher's performance and to endeavor to assist the teacher in attaining that improvement.

H. Copies of the assessment and evaluation report of a certificated teacher retained by the governing board are confidential, do not constitute a public record and shall not be released or shown to any person except:

1. To the certificated teacher who may make any use of it.

2. To authorized district officers and employees for all personnel matters and for any hearing which relates to personnel matters.

3. For introduction in evidence or discovery in any court action between the board and the certificated teacher in which either:

(a) The competency of the teacher is at issue.

(b) The assessment and evaluation was an exhibit at a hearing, the result of which is challenged.

ARKANSAS

The Arkansas General Assembly passed House Bill 967, which became Act 876 on April 16, 1973. This Act requires a PPBS for the State of Arkansas and all of its agencies. Since the statute is a 50-page document, only pertinent portions of the law are given below. Copies of the original statute can be provided in its entirety by SEAR upon request.

ACT 876, 1973
(Enacted April 16, 1973)

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

Section 1. This Act shall be referred to, and may be cited as the "General Accounting and Budgetary Procedures Law" of Arkansas.

Section 2. (A) General Policy. It is hereby declared to be the policy of the State of Arkansas to maintain the State and all of its agencies, boards, commissions, departments and institutions on a sound financial basis; to provide adequate accounting for all fiscal transactions; to provide for uniformity in budget preparation, presentation and execution; and for such purposes the general provisions of this Act are intended:

(1) To establish uniformity in operating and capital budget preparation, presentation and execution by establishing certain duties, responsibilities, and functions of the Executive and Legislative Branches of the State Government.

(2) To prohibit deficit spending by establishing standards for the execution of budgets approved by the General Assembly.

(3) To provide methods of internal accounting control by establishing and supervising the accounting systems of State agencies, departments, institutions, boards, and commissions, hereafter referred to as agencies.

(4) To establish an adequate classification and coding system for all revenue receipts and disbursements.

(5) To establish methods of voucher examination and approval for expenditures of funds deposited in the State Treasury and, if necessary, other depositories.

(6) To establish uniform procedures for the preparation of disbursing documents.

(7) To establish procedures for forecasting economic conditions, to establish an adequate technique of revenue estimating, to provide for tax research and a method for standardization of statistics.

(8) To develop methods for improvement and economy in organization and administration of State agencies, departments, institutions, boards, and commissions.

(9) To authorize the promulgation of reasonable rules and regulations not inconsistent with applicable laws to achieve the purposes and intent of this Act.

(10) To further define the powers and duties of the Director of the Department of Finance and Administration, hereinafter sometimes referred to as the Chief Fiscal Officer of the State, the State Auditor and the State Treasurer in connection with general accounting, budgetary and fiscal procedures.

(B) Comprehensive Budgeting And Financial Management System. It is also the purpose of this Act to establish a comprehensive system of State budgeting and financial management which will further the capacity of the General Assembly to plan and finance the services which it determines the State should provide for its citizens, and which will further the capacity of the Governor to make budgetary recommendations to the General Assembly and to execute the laws of this State. The system shall include procedures for:

(1) The orderly establishment, continuing review and periodic revision of programs, financial goals and policies of the State.

(2) The development, coordination and review of long-range programs and their financing that will implement goals and policies authorized by the General Assembly and the Governor.

(3) The preparation, analysis, presentation, enactment and execution of budgets, that authorize specific programs, policies and goals, and that focus attention on State services and their costs.

(4) The evaluation of alternatives to existing programs, policies and goals that would provide more economic, efficient or effective State services.

(5) An evaluation and reporting system which will provide measurements of the effectiveness of program performance.

(C) Continuing Studies To Promote Efficiency. In order to safeguard against excessive expenditures of appropriation and funds, to promote economy, efficiency and control in the operation of State agencies, to properly execute budgets, and to accomplish the purposes of this Act as intended by the General Assembly, the Chief Fiscal Officer and the Director of the Department of Planning are hereby directed to make continuing studies and investigations of the operation of State agencies and to make recommendations to the General Assembly, the Legislative Council and the Governor on improvements which should be made.

(Sections omitted)

Section 6. Duties And Responsibilities Of The Departments Of Planning And Finance And Administration. The Chief Fiscal Officer, with the cooperation of the Director of the Department of Planning, shall carry out the following duties and responsibilities:

(1) Assist the Governor or Governor-elect in the preparation of the comprehensive program and financial plan, including the coordination and analysis of State agency programs, goals and objectives.

(2) Develop procedures to produce the information needed for effective policy decision-making by the General Assembly, Governor or Governor-elect.

(3) Assist State agencies in developing their statement of

goals and objectives, their preparation of program plans and budget requests and their systems of evaluating and reporting of program performance.

(4) Provide the General Assembly or its Interim Committees with any information it may request.

(5) Between Sessions of the General Assembly keep the Legislative Council and any Interim Committees of the General Assembly who request such information, informed of the actual expenditures of State agencies as compared to their approved budgets and of the actual performance of such agencies as compared to that predicted in the Program Budget requests along with the reasons for any deviations which exist.

(6) Administer their responsibilities under the program budget provisions of this Act so that the policy decisions and budget determinations of the General Assembly and Governor are effectively implemented.

(7) To accomplish the foregoing duties and responsibilities, the Director of the Department of Finance and Administration, in cooperation with the Director of the Department of Planning and the Legislative Council, shall design budget information forms so that comparative data of the last fiscal year, the current fiscal year, and the next biennium are presented so that State agencies can best express budgetary and program information that will be most useful to the Govenor, or the Governor-elect and the General Assembly in order to facilitate program formulation, execution and accountability by:

(a) Focusing attention upon the general character and relative importance of the program to be accomplished or upon the service to be rendered and what the program or service will cost.

(b) Employing functional classifications, where practical to do so, in order to present budgets by broad program categories.

(c) Presenting budget requests by organizational units.

(d) Grouping expenditures and budget estimates by major objects of expenditures.

(e) Stating goals and objectives of State agency programs.

(f) Presenting proposed plans to implement the goals and objectives including proposed modification of existing program services and establishment of new program services, and the estimated resources required to implement the goals and objectives.

(g) Including a report of the receipts during the prior fiscal year, an estimate of the receipts during the current fiscal year, and an estimate for each year of the succeeding biennium.

(h) Presenting requested legislation required to implement the proposed programs and financial plans.

(i) Any other information necessary to carry out the purposes of this Act.

(8) In addition, the Director of the Department of Finance and Administration in cooperation with the Director of Planning and the Legislative Council shall:

(a) Prepare a budget calendar or time schedule so that the submission and presentation of budget estimates will be accomplished within the desired time limits.

(b) Prepare a Budget Instructional Manual to establish uniformity for presentation of budget estimates by State agencies.

(Sections omitted)

Section 9. Annual Operations Plans. (A) Responsibility Of State Agencies. Except as limited by policy decisions of the Governor, appropriations and funding by the Legislature, and other provisions of law, the State agencies shall have the authority and responsibility to administer their programs as authorized by the General Assembly and shall be responsible for their proper management.

(B) Annual Operations Plan-General Procedures. Each State agency, other than the Elected Constitutional Officers, the Legislative and Judicial Branches, the Arkansas Highway Department, the State supported institutions of Higher Education and the Arkansas Game and Fish Commission, shall prepare an Annual Operations Plan for the operation of each of its assigned programs. The Annual Operations Plan shall be prepared in the form and content determined by the Chief Fiscal Officer in cooperation with the Director of the Department of Planning and be transmitted to the Department of Finance and Administration on the date prescribed by the Chief Fiscal Officer. In years when the General Assembly meets in regular session the Annual Operations Plan shall be prepared after adjournment of the General Assembly and shall take fully into consideration all applicable laws, including appropriations made, and shall be submitted to the Department of Finance and Administration on a date set by the Chief Fiscal Officer, but prior to July 1 of said year.

(C) Contents Of Plan. Each Annual Operations Plan shall list, by programs as defined by the General Assembly, the goals and objectives and the activities which support them, the planned accomplishments for the ensuing year, the standards by which it is proposed to measure the accomplishments, the appropriation and funding provided by the legislature, a detailed budget by quarters indicating the agency's plans for the expenditure of funds in order to accomplish the objectives and any other supporting or related information required by the Director of the Department of Planning and the Chief Fiscal Officer or requested by a Legislative interim committee, including the Legislative Council.

(Passage omitted)

Section 10. Performance Reporting (A) Agency Performance Reports. Each State agency, other than the Legislative and Judicial Branches of government, the elected Constitutional Officers, the Arkansas Highway Department, the Arkansas Game and Fish Commission and the State-supported Institutions of Higher Education shall submit performance reports to the Departments of Planning and Finance and Administration at prescribed times during and after each fiscal year. These reports shall be in the form prescribed by the Chief Fiscal Officer with the concurrence of the Director of the Department of Planning and the Legislative Council, and shall include statements concerning:

(1) The work accomplished and the services provided in the preceding fiscal year or other meaningful work period, relating actual accomplishments to those planned in the Annual Operations Plan provided for in Section 9 of this Act.

(2) The relationship of accomplishments and services to the policy decisions and budget determinations of the Governor and the General Assembly.

(3) The costs of accomplishing the work and providing the services, comparing actual expenditures to the budgeted amounts in the Quarterly Fiscal Program, and to the extent feasible, citing meaningful measures of program effectiveness.

(4) The administrative improvements made in the preceding year, potential improvements in future years, and suggested changes in legislation or administrative procedures to make further improvements.

(B) Period Summary Reports. The Chief Fiscal Officer with the cooperation of the Director of the Department of Planning shall periodically summarize the performance reports of all State agencies and forward copies to the Governor, the Legislative Council and any other Committees or members of the General Assembly who request them, and shall include any comments, observations or data designed to assist the Legislature in its deliberations. . . .

CALIFORNIA

The California State Legislature passed two Acts which required statewide testing programs: the California School Testing Program in 1961, with amendments enacted in several sessions thereafter, and the Miller-Unruh Basic Reading Act of 1965, with amendments passed in subsequent sessions. Abstracts of the two Acts are presented in this report along with quoted passages from the two laws. Legislation has been introduced in the 1972 session which will modify the state testing program. A PPBS system also is being considered. These bills are pending and are not included in this report.

A third bill was enacted in July 1971, Assembly Bill No. 293, known as the "Stull" bill. This bill added sections to Chapter 2 of the Education Code for the evaluation and assessment of performance of certificated employees. These sections are quoted directly from the bill in this report. In order to implement the bill, the California Department of Education established a set of guidelines for school districts to use in developing procedures for evaluating certificated personnel. These guidelines were published in 1972. An Appendix to the guidelines states that the requirements of Assembly Bill 293 may well have significant financial impact on school districts. Each district, therefore, is requested to maintain an accounting of the personnel man-hours and other costs involved in developing, implementing, and maintaining the evaluation system. If the legislation should involve substantial new costs to school districts, the California State Board of Education wants to provide the Legislature with this information in order to promote the concept that future legislation should provide for the financial implications the bill may entail.

A SHORT HISTORY OF STATEWIDE TESTING PROGRAMS IN CALIFORNIA

California has two required statewide programs for testing pupils in the public schools. They are the California School Testing Program and the testing required under the Miller-Unruh Basic Reading Act of 1965. All school districts in the state are required to administer specified tests and report the scores to the State Department of Education and to their local school boards. Under the Miller-Unruh testing program the state supplies the required tests to school districts, and under the State Testing Program, school districts purchase the tests directly from publishers. No separate state funding for scoring or reporting test results is provided to school districts for either program.

1. California School Testing Program (Chap. 9 of Div. 9 of the Education Code)

The California School Testing Program began with a law passed at the 1961 session of the Legislature, and the first required testing was done in the fall of 1962 with intelligence and achievement tests that school districts selected from a list approved by the State Board of Education. Tests were administered in grades 5, 8, and 11.

The California School Testing Law was amended in 1963 and required the administration of physical performance tests, in addition to the intelligence and academic achievement tests. In 1965 the law was amended to require that uniform tests for all school districts be adopted by the State Board of Education. The Board designated intelligence and reading tests for use in grades 6 and 10. The first tests under the 1965 amendments were administered in the fall of 1966. They were the Lorge-Thorndike Intelligence Tests in grades 6 and 10, the Stanford Reading Test in grade 6, and the Tests of Academic Progress, Reading Test, in grade 10.

At the 1968 session of the Legislature, the testing program was amended by AB 1168 (Stats. 1968 Chap. 427). The law required testing with intelligence tests, basic skills tests (defined as reading, spelling, basic mathematics and grammar), and physical performance tests. The law also specified that tests were to be administered in grades 6 or 8, and 12. In addition to testing in the basic skills, testing also was to be required by the State Board of Education from time to time in content courses-- literature, history, advanced mathematics, and science. The requirement for testing in either grade 6 or 8 was amended out of the law at the 1969 session of the Legislature by AB 1534 (Chap. 1552), and testing is now required of all pupils in grades 6 and 12.

The tests adopted for use in the 1969-70 school year are the Lorge-Thorndike Intelligence Tests in grades 6 and 12, the Comprehensive Tests of Basic Skills in grade 6, the Iowa Tests of Educational Development in grade 12, and the California Physical Performance Test in grades 6 and 12. Intelligence tests are administered during the months of October and November, achievement tests during the month of October and physical performance tests during April and May.

2. Miller-Unruh Basic Reading Act Testing (Chap. 5.8 of Div. 6 of the Education Code)

By legislation enacted in 1965, a testing program in reading in grades 1, 2, and 3 was required in connection with a program to improve reading instruction in the primary grades. This was the Miller- Unruh Basic Reading Act of 1965. Tests adopted by the State Board of Education were the Stanford Reading Tests, and these tests were used from 1966 through 1969. In 1969 the State Board of Education adopted new tests for use in the primary grades beginning in the 1969-70 school year. The Stanford Reading Tests will be phased out and the Cooperative Primary Reading Test will be the required test.

Testing in the primary grades is done the first 10 school days in May. Test results are reported to the State Department of Education, and one of the uses made of the required testing is in the system of priorities for funding under the Miller-Unruh Basic Reading Act. Also, test results are used for evaluation of reading programs on both the district and state levels.

CHAPTER 9. SCHOOL TESTING

Article 1. General Provisions

12820. This chapter may be cited as the California School Testing Act of 1969.

12821. The objectives of this chapter are:

(a) To afford a means and procedure for evaluating the effectiveness of the public schools as shown by the competence and progress of public school pupils in basic skills and content courses.

(b) To make such evaluations available to educational agencies and the public as a basis for the correction of deficiencies in, and the improvement of, all phases of the state educational system and as a basis for research.

(c) To afford to the Legislature facts from which it may determine the proper allocation and expenditure of public funds for public school education.

12822. As used in this chapter:

(a) "Achievement test" means any standardized test which measures or attempts to measure the level of performance which a pupil has attained in one or more courses of study. It shall include (1) tests in basic skills courses administered annually and (2) tests in content courses administered from time to time as designated by the State Board of Education.

(b) "Physical performance test" means any test which measures or attempts to measure the physical fitness of a pupil.

(c) "Scholastic aptitude test" means any standardized test which measures or attempts to measure the scholastic aptitude of a pupil.

(d) "Testing program" means the systematic achievement, physical performance, and scholastic aptitude testing required by this chapter of all pupils in grades 6 and 12 in all schools within a school district by means of tests designated by the State Board of Education.

(e) "Basic skills courses" means those subjects which involve, among other skills, memorization and mastery of specific functions, including but not limited to, reading, spelling, basic mathematics, and grammar.

(f) "Content courses" means those subjects which require the integration of factual matter, logical analysis, the solution by the student of posed problems, and the communication of ideas, including, but not limited to, literature, history, advanced mathematics, and science.

12823. The State Board of Education shall:

(a) Require a testing program in all school districts.

(b) Designate the achievement, scholastic aptitude, and physical performance tests to be used during the ensuing school year.

(c) Adopt regulations for the conduct and administration of the testing program.

12824. The State Board of Education may develop, publish and administer tests of its own devising, and the board may utilize the expert services of any persons or groups of persons in public or private employment.

12825. The governing board of each district shall, in accordance with the rules and regulations of the State Board of Education, conduct a testing program within the district. The governing board may also administer other tests.

12826. The governing board of a school district shall report to the Department of Education, pursuant to rules and regulations adopted by the State Board of Education, the scores of the achievement and scholastic aptitude tests administered pursuant to this article.

The districtwide results of the testing program, but not the score or relative position of individual pupils, shall be reported to the governing board of the district at least once a year at a regularly scheduled meeting.

12827. Upon request of the Department of Education, a school district shall submit to the department at least once every two years the results of its physical performance testing.

12828. At the request of the State Board of Education, and in accordance with rules and regulations which the board may adopt, each county superintendent of schools shall cooperate with and give assistance to school districts under his jurisdiction in carrying out the testing programs of such districts and other duties imposed on school districts by this chapter.

12829. With the exception of physical performance tests, no city, county, city and county, or district superintendent of schools or any principal or teacher of any elementary or secondary school under his charge shall carry on any program of specific preparation of the pupils within the district for the testing program as such or the particular test used therein.

12830. No provision of this chapter or Article 3 (commencing with Section 8571) of Chapter 3 of Division 7 shall be construed to mean, or represented to require, that graduation from a high school or promotion to another grade level is in any way dependent upon successful performance on any test administered as a part of the testing program.

Article 2. Content Course Evaluation

12840. From time to time, as the State Board of Education may determine, the board shall conduct studies of the effectiveness of the various content courses offered by the public schools of this state. Such studies shall include details of the specific objectives of the courses and the level of achievement attained by students enrolled in such courses and, for this purpose, the board may use the results of any test administered under the provisions of this chapter.

12841. Upon the completion of a study by the board pursuant to Section 12840, the board shall report its finding, and recommendations, if any, to the Governor and the Legislature not later than January 1 of the year succeeding completion of the study.

12842. In making reports to the Legislature pursuant to Section 12841, the board shall maintain the anonymity of all individual students involved, as well as the participating school districts. The board may make analyses involving other factors, including, but not limited to, general categories of pedagogies in use, type of district organization, geographic area, socioeconomic data, size of school district, or other analytical items which may prove useful.

12843. The governing board of any school district shall

cooperate fully with the State Board of Education in making its schools available for studies; provided, that the State Board of Education shall provide all necessary materials and consultant services free of charge to the district.

12844. The State Board of Education may accept federal or other funds for the purpose of financing studies under this article. Such studies shall be conducted by the board on an ad hoc basis, and the board may utilize the expert services of any persons or groups of persons in public or private employment.

Article 3. Testing Evaluation and Analysis

12848. The Department of Education shall prepare and submit an annual report to the Legislature, the State Board of Education and to each school district in the state containing an analysis, on a district-by-district basis, of the results and test scores of the testing program in basic skills courses, including tests administered pursuant to the Miller-Unruh Basic Reading Act of 1965. The report shall include, but is not limited to, an analysis of the following operational factors having a substantive relationship to or bearing on such results:

(a) Maximum and minimum salary paid teachers.

(b) Average class size in grades 1 to 3, inclusive.

(c) Pupil-teacher ratio in grades 4 to 8, inclusive.

(d) Number of nonteaching certificated personnel per 100 full-time teachers.

(e) Total general fund tax rate and total general purpose tax rate.

(f) Assessed valuation per unit of average daily attendance.

(g) Percentage of minority enrollment.

(h) Index of family poverty, derived from dividing funds received under Title I of the Elementary and Secondary Education Act of 1965 (Public Law 89-10) by the average daily attendance in the district.

(i) Average scholastic ability.

(j) Average transitory factors as derived from dividing the average daily attendance of the district or selected schools by the total annual enrollment of the district.

(k) The rate of turnover of staff.

12849. The State Board of Education shall make recommendation to the Legislature as the board deems appropriate concerning appropriate or necessary legislation with respect to the results of the testing program and the evaluation and analysis thereof required by this chapter.

CHAPTER 5.8. SPECIAL ELEMENTARY SCHOOL READING INSTRUCTION PROGRAM

Article 1. General Provisions

Citation of Act

5770. This chapter may be cited as the Miller-Unruh Basic Reading Act of 1965 (added by Stats. 1968, Ch. 182).

Statement of Legislative Intent and Purpose

5771. It is the intent and purpose of the Legislature that the elementary school reading instruction program provided for by this chapter shall be directed to the prevention of reading disabilities, and the correction of reading disabilities at the earliest possible time in the educational career of the pupil. The instruction program shall be provided in grades 1, 2, and 3 in the elementary schools.

It is the further intent of the Legislature that the reading program in the public schools be of high quality, and that the program be designed to permit early development of reading skills, and the early correction of reading disabilities. The Legislature recognizes that early development of reading ability enhances the opportunity of each pupil for success in school and for success in a career upon leaving school. The Legislature further recognizes that to achieve its intent and purpose it will be necessary to provide means to employ teachers trained in the teaching of reading, to provide incentives to encourage such training, and to stimulate the establishment and maintenance of school libraries. To carry out its intent and purpose, the Legislature has enacted this chapter to provide salary payments for specialist teachers in reading, scholarships to encourage the development of skills in the teaching of reading, and salary payments for the employment of professional librarians in school districts. It is also the intent of the Legislature that the provisions of this chapter shall be administered to provide funds and services first to those school districts and to the schools in such districts where the need for reading instruction is greatest and the financial ability of the district to provide it is least. This program is voluntary and any school district may participate or may decline to participate. If a district participates, it shall participate fully with respect to those schools in the district in which the program is established. . . .

Article 3. Testing and Program Evaluation

Testing of Pupils Completing the First and Second Grades; Nationwide Norms; Exemptions; Use of Test

5779. Commencing with the school years 1965-66, the State Board of Education shall require that uniform tests to determine achievement of basic reading fundamentals and skills shall be administered to all pupils who are completing the first and second grades. The State Board of Education shall adopt rules and regulations governing the time, place and methods for administration of the testing program.

The State Board of Education shall determine the form in which the results of uniform tests under this article shall be reported to the Department of Education, and beginning with the tests administered in the 1968-69 school year to second and third grade pupils, shall require, in addition to reports presently required for purposes of Section 5782, and as based on publishers' norms, that such reports include a distribution, based on first grade test results, of the number of months of progress achieved for each year the pupils have been in school.

Uniform tests for each grade shall be recommended by the Department of Education and shall be submitted to the State Board of Education for approval and adoption no later than January 31, 1966. Any test so adopted shall be in national use and nationwide norms shall have been developed for such test. The tests which have been approved

and adopted by the board shall be printed or purchased, and distributed to the various school districts in the state by the Department of Education.

Pupils who have been determined to be mentally retarded or educationally handicapped, as defined in this code, shall be exempted from the testing requirement imposed by this chapter.

The testing program imposed by this chapter shall be used exclusively for the purposes herein set forth, and no test scores or results shall be employed to rank school districts according to their test results in any publication, other than a publication which may be made necessary in order to effectively administer this chapter.

The tests administered pursuant to this article shall be employed to determine each school district's quota of specialist reading teachers, as required by Article 4 (commencing with Section 5781) of this chapter.

(Added by Stats. 1968, Ch. 182; amended by Stats. 1968, Ch. 995.)

Testing in Initial Teaching Alphabet

5779.1. The governing board of each school district, in conducting a testing program in the district pursuant to Section 5779 shall be allowed to conduct achievement reading tests at school district expense printed in the Initial Teaching Alphabet for those pupils who are accustomed to learning in that alphabet in lieu of the uniform tests prescribed by Section 5779.

Achievement Test to 3rd-Grade Pupils; Evaluation of Program; Report to Legislature.

5780. Commencing with the school year 1966-67, and in each year thereafter, a standardized reading achievement test, which shall be adopted by the State Board of Education and distributed to the various school districts, shall be administered to all third-grade pupils completing the third grade.

The scores of those pupils who have participated in a remedial program shall be maintained and treated separately.

From a study of the results of these tests in districts which conduct a basic reading program pursuant to this chapter, and the test results in districts which do not conduct such a program, the Superintendent of Public Instruction shall evaluate the basic reading program provided by this chapter, and he shall report his findings annually to the State Board of Education.

The State Board of Education shall report its findings regarding the implementation of, and experience under, the basic reading program provided by this chapter, together with any recommendations for any adjustments in the program to the Legislature at each regular session.

ASSEMBLY BILL NO. 293 (Enacted July, 1971)

CHAPTER 361

The people of the State of California do enact as follows: . . .

Article 5.5. Evaluation and Assessment of Performance of Certificated Employees

13485. It is the intent of the Legislature to establish a uniform system of evaluation and assessment of the performance of certificated personnel within each school district of the state. The system shall involve the development and adoption by each school district of objective evaluation and assessment guidelines.

13486. In the development and adoption of these guidelines and procedures, the governing board shall avail itself of the advice of the certificated instructional personnel in the district's organization of certificated personnel.

13487. The governing board of each school district shall develop and adopt specific evaluation and assessment guidelines which shall include but shall not necessarily be limited in content to the following elements:

(a) The establishment of standards of expected student progress in each area of study and of techniques for the assessment of that progress.

(b) Assessment of certificated personnel competence as it relates to the established standards.

(c) Assessment of other duties normally required to be performed by certificated employees as an adjunct to their regular assignments.

(d) The establishment of procedures and techniques for ascertaining that the certificated employee is maintaining proper control and is preserving a suitable learning environment.

13488. Evaluation and assessment made pursuant to this article shall be reduced to writing and a copy thereof shall be transmitted to the certificated employee not later than 60 days before the end of each school year in which the evaluation takes place. The certificated employee shall have the right to initiate a written reaction or response to the evaluation. Such response shall become a permanent attachment to the employee's personnel file. Before the end of the school year, a meeting shall be held between the certificated personnel and the evaluator to discuss the evaluation.

13489. Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis, at least once each school year for probationary personnel, and at least every other year for personnel with permanent status. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. In the event an employee is not performing his duties in a satisfactory manner according to the standards prescribed by the governing board, the employing authority shall notify the employee in writing of such fact and describe such unsatisfactory performance. The employing authority shall thereafter confer with the employee making specific recommendations as to areas of improvement in the employee's performance and endeavor to assist him in such performance. . . .

SEC. 41. Sections 1 to 39 of this act shall become operative on the 61st day after the final adjournment of the 1972 Regular Session of the Legislature.

ASSEMBLY BILL NO. 665, 1972

Legislative Counsel's Digest

AB 665, Leroy F. Greene. School testing programs.

Requires uniform tests to be administered to each pupil not later than his third month of attendance in the first grade and requires uniform tests in reading to be administered annually to pupils in grades 2 and 3.

Requires answer sheets on first grade entry level test, results of uniform test in reading in grades 2 and 3, and results of achievement tests in grades 6 and 12 to be submitted on a school-by-school basis.

Prohibits use of scores of individual pupils on first grade entry level test for individual diagnosis or placement or as a basis for any other decision which would affect pupil's elementary school experience. Prohibits inclusion of such test scores on pupil's cumulative school record.

Requires State Board of Education to determine which test scores on tests administered in grades 2, 3, 6, and 12 may be recorded on pupil's cumulative school record.

Requires each school district to annually report its methods used to assess pupil performance in reading during grades 1, 2, and 3.

Requires standardized reading achievement test to be administered to all third grade pupils, rather than third grade pupils completing the third grade.

Authorizes State Board of Education to replace grade specifications re prescribed tests with time or age specifications.

Requires State Board of Education to develop a testing method, to be implemented by 1974-1975 school year, to obtain an accurate estimate of statewide performance, school district performance, and school performance of pupils in grades 2, 3, 6, and 12.

States intent of Legislature re California School Testing Act of 1969.

Requires State Board of Education to prepare examples of, rather than model, minimum academic standards for graduation from high school. Specifies that State Board of Education is not authorized or required to adopt statewide minimum academic standards for graduation from high school.

Deletes provisions re scholastic aptitude tests in grades 6 and 12.

Revises elements to be covered in annual report prepared and submitted by Department of Education re specified tests.

Appropriates $235,000 for development of baseline test to be given to all pupils in grade one and for research and analysis, scoring, and purchase and distribution of test materials under prescribed testing programs.

Makes related changes.

The people of the State of California do enact as follows:

SECTION 1. Section 5779 of the Education Code is amended to read:

5779. The State Board of Education shall require that uniform tests be administered to each pupil not later than his third month of attendance in the first grade. The first grade entry level test shall obtain a composite estimate for each pupil of skills related to learning and memory, attention, visual perception, and auditory comprehension. The answer sheets shall be transmitted to the Department of Education for scoring. If no published test is deemed suitable, the State Board of Education may combine parts of available tests or develop a new test.

The State Board of Education shall also require that uniform tests in reading be administered annually to pupils in grades 2 and 3. Such tests shall be recommended by the Department of Education and shall be submitted to the State Board of Education for approval and adoption. Any test so adopted shall be in national use and nationwide norms shall have been developed for such tests. The tests which have been approved and adopted by the board shall be printed or purchased and distributed to the various school districts in the state by the Department of Education.

The State Board of Education shall determine the form in which the answer sheets for the first grade entry level test shall be transmitted to the Department of Education for scoring, and the form in which the results of the uniform tests in reading for grades 2 and 3 shall be reported to the Department of Education.

The State Board of Education shall analyze the progress achieved by third grade pupils using the first grade entry level test results as a basis for identifying comparable pupils receiving various kinds of reading instruction.

The State Board of Education shall adopt rules and regulations governing the time, place, and methods for administration of the testing program under this article.

Pupils who have been determined to be mentally retarded, as defined in this code, shall be exempted from the testing requirement imposed by this chapter.

Pupils who have been determined to be educationally handicapped, as defined in this code, shall be subject to the testing requirement imposed by this chapter, except such pupils shall be tested separately from regular pupils and the test scores or results with respect to such pupils shall be submitted separately. The Department of Education shall annually prepare a comparative analysis of the scores or results of tests administered to educationally handicapped pupils and regular pupils. The Department of Education shall annually report to the Legislature the scores or results of the tests administered to educationally handicapped pupils.

The tests administered pursuant to this article shall be employed to determine each school district's quota of specialist reading teachers, as required by Article 4 (commencing with Section 5781) of this chapter.

Commencing with tests administered in the 1972-1973 school year, school districts shall submit answer sheets and test score information on a per-school basis.

SEC. 2. Section 5779.1 of the Education Code is repealed.

SEC. 3. Section 5779.2 is added to the Education Code, to read:

5779.2. Scores for individual pupils on the first grade entry level test shall not be used by school districts or teachers for individual diagnosis of placement or as a basis for any other decisions which would affect the pupil's elementary school experience. Scores from this test shall not in any manner be included on the pupil's cumulative school record.

The State Board of Education shall determine which, if any, of the scores attained by pupils on the tests administered in grades 2 and 3 may be recorded on the pupil's cumulative school record.

SEC. 4. Section 5779.3 is added to the Education Code, to read:

5779.3. The State Board of Education shall direct each school district to report annually its methods used to assess pupil performance in reading during grades 1, 2, and 3. The Department of Education shall assist the school districts to improve their local programs of assessing pupil performance in reading.

SEC. 5. Section 5780 of the Education Code is amended to read:

5780. Commencing with the school year 1966-67, and in each year thereafter, a standardized reading achievement test, which shall be adopted by the State Board of Education and distributed to the various school districts, shall be administered to all third-grade pupils.

The scores of those pupils who have participated in a remedial program shall be maintained and treated separately.

From the study of the results of these tests in districts which conduct a basic reading program pursuant to this chapter, and the test results in districts which do not conduct such a program, the Superintendent of Public Instruction shall evaluate basic reading programs, and he shall report his findings annually to the State Board of Education.

The State Board of Education shall report its findings regarding the implementation of, and experience under, basic reading programs, together with any recommendations for any adjustments in the program, to the Legislature at each regular session. This report and the report required pursuant to Section 12848 may be consolidated into a single annual report.

SEC. 6. Section 5780.1 is added to the Education Code, to read:

5780.1. Except for the first-grade entry level test required by Section 5779, the State Board of Education may replace the grade specification for the administration of specific tests pursuant to this article with a specification of age or time elapsed since the pupil entered school where such a specification is more consistent with patterns of school organization.

The Department of Education shall submit a report to the Joint Legislative Budget Committee explaining the reasons for replacing the grade specification. The report shall be submitted at least six months prior to any such change.

SEC. 7. Section 5780.2 is added to the Education Code, to read:

5780.2. The State Board of Education shall develop a testing method that will obtain an accurate estimate of statewide performance, school district performance, and school performance of pupils in grades 2 and 3.

Under such a testing method, the Department of Education shall annually administer a statewide test to all pupils in grades 2 and 3. The department shall determine whether pupils in a given school shall be administered the entire test or whether the pupils shall be administered a portion of the test which will be representative of all the test objectives, goals, or categories of items on the entire test.

The procedure required by this section shall be implemented not later than the 1974-1975 school year.

SEC. 8. Section 5782 of the Education Code is amended to read:

5782. For the 1967-68 school year and school years thereafter, for any school district in which thirty percent (30%) or more of the first grade pupils received scores falling below the first quartile of scores established on a statewide basis for the tests administered during the preceding school year pursuant to Section 5779, the basic quota established pursuant to Section 5781 shall be increased by one specialist teacher for each 300 units of average daily attendance in grades 1, 2, and 3, and fractional part thereof, maintained by the district.

For the 1967-68 school year and school years thereafter any school district in which forty percent (40%) or more of the first grade pupils received scores falling below the first quartile of scores established on a statewide basis for the tests administered during the preceding school year pursuant to Section 5779, the basic quota established pursuant to Section 5781 shall be increased as ordered by the Department of Education following an investigation of the circumstances of the district.

SEC. 9. Section 5787 of the Education Code is amended to read:

5787. Specialist teachers employed by a school district shall be relieved of all regular teaching and administrative responsibilities and shall devote their full time in performance of the following responsibilities, which shall be directed to training pupils to attain reading ability essential to success in studies to be undertaken beyond the grade 3 level:

(a) Supplementing the reading instruction otherwise provided in regular classes for all pupils in grade 1.

(b) Providing instruction to small groups of pupils, and to individual pupils, in grades 2 and 3 who have been determined to have reading disabilities.

(c) Administering reading tests to be given pupils in grades 2 and 3 under Article 3 (commencing with Section 5779) of this chapter.

SEC. 10. Section 5792 of the Education Code is amended to read:

5792. Allowances under this article shall be made by the Superintendent of Public Instruction in accordance with a system of priorities that he shall by rule and regulation adopt, designed to carry out the intent and purpose of the legislature stated in Section 5771.

The system shall be designed to give priority to districts in the following order:

(a) First, to insure that the districts participating in the program during the preceding school year, which continue to be eligible, will not be required to reduce programs below the level of the preceding year.

(b) Second, to insure that applications for expansion of programs and applications for new programs in eligible schools be considered on a priority basis in terms of the percentage of pupils in grade 1 who received scores which fell below the first quartile of scores established on a statewide basis for the tests administered during the preceding school year pursuant to Section 5779.

Allowances computed for a district that received only basic aid in the preceding fiscal year shall be reduced by one-half.

The Superintendent of Public Instruction shall make no allowances in any year in excess of the amount appropriated by the Legislature for the purposes of this chapter.

SEC. 11. Section 8574 of the Education Code is amended to read:

8574. The governing board of any school district maintaining a high school shall adopt minimum academic standards for graduation from the high schools within its school district. Such minimum academic standards shall include separate courses of study including, but not limited to, a course of study designed to prepare prospective students for admission to state colleges and the state university and for vocational training. Such standards shall be made available to the public.

SEC. 12. Section 8575 of the Education Code is amended to read:

8575. The State Board of Education shall, on or after July 1, 1970, prepare, and distribute to each school district maintaining a high school for its consideration, examples of minimum academic standards for graduation. These examples shall be provided solely to assist each school district in the development of its own minimum academic standards for graduation as required by Section 8574.

Nothing in this section shall be construed to authorize or require the State Board of Education to adopt statewide minimum academic standards for graduation from high school.

SEC. 13. Section 12821 of the Education Code is repealed.

SEC. 14. Section 12821 is added to the Education Code, to read:

12821. It is the intent of the Legislature in enacting this chapter to determine the effectiveness of school districts and schools in assisting pupils to master the fundamental educational skills toward which instruction is directed. The program of statewide testing shall provide the public, the Legislature, and school districts evaluative information regarding the various levels of proficiency achieved by different groups of pupils of varying socioeconomic backgrounds, so that the Legislature and individual school districts may allocate educational resources in a manner to assure the maximum educational opportunity for all pupils. The program of statewide testing shall identify unusual success or failure and the factors which appear to be responsible, so that appropriate action may be taken at the district and state level to obtain the highest quality education for all public school pupils.

SEC. 15. Section 12822 of the Education Code is amended to read:

12822. As used in this chapter:

(a) "Achievement test" means any standardized test which measures or attempts to measure the level of performance which a pupil has attained in one or more courses of study. It shall include (1) tests in basic skills courses administered annually and (2) tests in content courses administered from time to time as designated by the State Board of Education.

(b) "Physical performance test" means any test which measures or attempts to measure the physical fitness of a pupil.

(c) "Testing program" means the systematic achievement testing of all pupils in grades 6 and 12, and the physical performance testing of all pupils in any three grades designated by the State Board of Education, required by this chapter in all schools within each school district by means of tests designated by the State Board of Education.

(d) "Basic skills courses" means those subjects which involve, among other skills, memorization and mastery of specific functions, including but not limited to, reading, spelling, basic mathematics, and effectiveness of written expression.

(e) "Content courses" means those subjects which require the integration of factual matter, logical analysis, the solution by the student of posed problems, and the communication of ideas, including, but not limited to, literature, history, advanced mathematics, and science.

SEC. 16. Section 12823 of the Education Code is amended to read: 12823. The State Board of Education shall:

(a) Require a testing program in all school districts.

(b) Designate the achievement and physical performance tests to be used during the ensuing school year.

(c) Adopt regulations for the conduct and administration of the testing program.

SEC. 17. Section 12826 of the Education Code is amended to read:

12826. The governing board of each school district shall report on a school-by-school basis to the Department of Education, pursuant to rules and regulations adopted by the State Board of Education, the results of the achievement tests administered pursuant to this article.

The districtwide results of the testing program, but not the score or relative position of individual pupils, shall be reported to the governing board of the district at least once a year at the regularly scheduled meeting.

SEC. 18. Section 12827 of the Education Code is amended to read:

12827. During either the month of March, April, or May, the governing board of each school district maintaining any grade designated by the State Board of Education pursuant to subdivision (c) of Section 12822 shall administer to each pupil in those grades the physical performance test designated by the State Board of Education. Each physically handicapped pupil and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his condition will permit.

Upon request of the Department of Education, a school district shall submit to the department at least once every two years the results of its physical performance testing.

SEC. 19. Section 12831 is added to the Education Code, to read:

12831. The State Board of Education shall develop a testing method that will obtain an accurate estimate of statewide performance, school district performance, and school performance of pupils in grades 6 and 12.

Under such a testing method, the Department of Education shall annually administer a statewide test to all pupils in grades 6 and 12. The department shall determine whether pupils in a given school shall be administered the entire test or whether the pupils shall be administered a portion of the test which will be representative of all the test objectives, goals, or categories of items on the entire test.

The procedure required by this section shall be implemented not later than the 1974-1975 school year.

SEC. 20. Section 12832 is added to the Education Code, to read:

12832. The State Board of Education shall determine which, if any, of the results attained by pupils on the achievement tests administered in grades 6 and 12 may be recorded on the pupil's cumulative school record.

SEC. 21. Section 12833 is added to the Education Code, to read:

12833. The State Board of Education may replace the grade specification for the administration of specific tests pursuant to this article with a specification of age or time elapsed since the pupil entered school where such a specification is more consistent with patterns of school organization.

The Department of Education shall submit a report to the Joint Legislative Budget Committee explaining the reasons for replacing the grade specification. The report shall be submitted at least six months prior to any such change.

SEC. 22. Section 12842 of the Education Code is amended to read:

12842. In making reports to the Legislature pursuant to Section 12841, the board shall maintain the anonymity of all individual students involved. The board may make analyses involving other factors, including, but not limited to, general categories of pedagogies in use, type of district organization, geographic area, socioeconomic data, size of school district, or other analytical items which may prove useful.

SEC. 23. Section 12848 of the Education Code is amended to read:

12848. The Department of Education shall prepare and submit an annual report to the Legislature, the State Board of Education, and to each school district in the state containing an analysis, on a district-by-district basis, of the results and test scores of the testing program in basic skills courses, including tests administered pursuant to the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6). The report shall include an analysis of the operational factors that appear to have a significant relationship to or bearing on the results. The analysis may include, but need not be limited to, the following factors:

(a) Demographic characteristics.
(b) Financial characteristics.
(c) Pupil and parent characteristics.
(d) Instructional and staff characteristics.
(e) Specially funded programs.

School districts shall submit to the Department of Education whatever information the department deems necessary to carry out the provisions of this section.

SEC. 24. Section 12848.5 is added to the Education Code, to read:

12848.5 The report to the Legislature required by Section 12848 and the report to the Legislature required pursuant to Section 5780 may be consolidated into a single annual report.

SEC. 25. There is hereby appropriated from the General Fund in the State Treasury the sum of two hundred thirty-five thousand dollars ($235,000) to the Department of Education, to be expended for purposes of the development of a baseline test to be given to all pupils in grade 1 under the provisions of Chapter 5.8 (commencing with Section 5770) of Division 6 of the Education Code and for research and analysis, scoring, and the purchase and distribution of test materials under the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6 of the Education Code) and the California School Testing Act of 1969 (Chapter 9 (commencing with Section 12820) of Division 9 of the Education Code).

A.B. No. 665, quoted above, was supported by the State Board as a vehicle for major restructuring and improvement of California's statewide testing program enacted by the earlier 1965 Miller-Unruh Act and the 1969 School Testing Act.

California has a system of educational advisory bodies created by statute or by executive order of the Governor. Members are appointed by the Governor, the Legislature, and the State Board of Education or the Superintendent of Public Instruction. A.B. 2800, enacted in 1971, reorganized this system, restructured the various existing advisory bodies, and reduced them in number in order to eliminate conflicting and overlapping duties.

Prior to the passage of A.B. 2800, Chapter 1573 was enacted in 1967 which established the Advisory Commission on School District Budgeting and Accounting. The Commission was to advise the State Board on a budgeting and accounting system for California school districts. The final report of the Advisory Commission was submitted in May, 1972, and recommended a PPBS with the development of district goals and objectives. Adoption of a statewide manual prepared by the State Board for the recommended PPBS was held up by the Legislature, in Assembly Concurrent Resolution No. 98, which asked the State Board to withhold approval of its recommendations until the Legislature had concluding hearings on the implications of the system. This the State Board has done, and to date (January, 1973), no legislation has been passed in California that mandates a statewide PPBS for California's local school system. The Advisory Commission did recommend the institution of pilot programs at the local district level; these have expanded in number and have continued to operate. The Resolution stated that nothing in it was "to restrain local governing boards from their efforts to refine methods of accounting and budget reporting."

A.B. 2800 replaced the Advisory Commission with a new Educational Management and Evaluation Commission, which is to advise the State Board in the evaluation of the program achievement of educational programs, the determination of cost effectiveness of the programs, and on a PPBS system for local school districts. This Commission, too, acts as an advisory body to the State Board of Education. The Department of Education is to cooperate with the Advisory Commission as requested and recommend any change or revision of law necessary to effectuate what the Commission recommends.

Another Advisory Committee on Program and Cost Effectiveness served from 1970 to 1972. The Committee was established to expedite A.B. No. 606, known as the "Educational Improvement Act of 1969." This Act called for the employment of cost effectiveness measures in the approval and evaluation of all projects. The Committee's charge was further defined in A.B. 1923, enacted in 1970. It was to develop and recommend a methodology for evaluating cost effectiveness for the State Board to use in determining which projects should be expanded, modified or replaced. A plan for developing a cost effectiveness model was submitted to the State Board by the Committee that described its attempts to develop and test components of the model. Further research was needed and the reports of the Committee were distributed to members of the new Educational Management and Evaluation Commission.

Senate bill No. 1 was enacted in 1968, the intent of which was to set basic standards and guidelines for public school education throughout the state. A Joint Committee on Educational Goals and Evaluation was appointed the following year to state the aims of this plan in detail. Assembly Concurrent Resolution No. 198, 1970 states the responsibilities of this Committee. In May, 1970 the Committee sent recommendations to the Legislature stating that "the best and most workable goals for our public school education can only be set by a process involving the citizens of our state--parents and taxpayers, students and teachers, school administrators and classified employees." The Joint Committee now is in the process of developing goals and objectives, begun in the Fall of 1972, by initially contacting the largest number of its citizens possible for their views. By June of 1973 a first draft of decisions for each school–community is expected; in the Fall of 1973, public hearings will be held to present to the citizens the goals and objectives most important to them, followed by each district putting the decisions into action.

A.B. 293, the Stull bill enacted in 1971 (already in the first publication of **Legislation by the States)**, *is the first in the nation that requests certificated teacher competence to be partially evaluated in terms of pupil progress. All local teacher evaluation systems must include standards of expected student progress in each area of study and certificated personnel are to be assessed in relation to the established standards.*

A companion bill to A.B. 293 was passed in October, 1971 (A.B. 2999) that directed the State Board of Education to develop and disseminate guidelines that the districts may use in developing certificated personnel evaluation procedures. The guidelines were developed and published by the State Board in 1972. The Governor of California also appointed a Commission for Teacher Preparation and Licensing in 1971 that is independent of the State Board or Department of Education. The Commission develops standards of preparation for teachers-to-be and procedures for dismissal or revocation of certificates.

A.B. No. 1483, "The Guaranteed Learning Achievement Act of 1971," authorizes performance contracting by local school districts. It became effective in March, 1972, too late to be implemented in the 1971-'72 school year, but six districts have been selected by the State Board to participate during the 1972-'73 school year. The law is to remain in effect until June 30, 1975.

The following bills referred to in the discussion above are quoted on the ensuing pages: Chapter 1573, Assembly Bill 2800, Assembly Bill 606, Assembly Bill No. 1923, Assembly Bill 2999, and Assembly Bill 1483.

CHAPTER 1573
(Enacted in 1967)

The people of the State of California do enact as follows:

Section 1. Section 371 is added to the Education Code, to read:

371. The Department of Education shall:

(a) Revise and update budget manuals, forms and guidelines.

(b) Cooperate with federal and state agencies in prescribing rules and regulations, and instructions required by such agencies.

(c) Assess the needs and methods of collecting and disseminating financial information.

(d) Conduct workshops and conferences for the purpose of training school district and county personnel.

(e) Provide consultant services to colleges and universities on courses of instruction relative to school budgets and accounting practices.

Sec. 2. Section 372 is added to the Education Code, to read:

372. The Department of Education shall cooperate with the Commission on School District Budgeting and Accounting; and shall as directed by the commission:

(a) Prepare and compile agenda items and research materials for the commission.

(b) Prepare and direct the execution of any provisions of agreements entered into by the commission for the formulation of a program budgeting and accounting system.

(c) Organize pilot projects for testing any program budgeting and accounting system.

(d) Recommend any change or revision of law necessary to effectuate any program budgeting and accounting system.

(e) Promote any program of budgeting and accounting system through cooperative working arrangements with interested public and private agencies and associations.

(f) Coordinate the budgeting and accounting activities of interested public and private agencies and associations . . .

Sec. 7. Chapter 2 (commencing with Section 20601) is added to Division 16 of the Education Code, to read:

Chapter 2. Budget Requirements and Budget Calendar for School Districts

Article 1. Budget Requirements

20601. As used in this article, "budget" includes the preliminary budget, the tentative budget and the final budget of a school district.

20602. Each budget shall show a complete plan and itemized statement of all proposed expenditures of the school district and of all estimated revenues for the ensuing fiscal year, together with a comparison as to each item of revenue and expenditures, with the actual revenues and expenditures for the last completed fiscal year and the actual and estimated expenditures for the existing fiscal year. The county superintendent of schools shall from his own records supply to the school district any information that the school district may need to make the comparisons required by this section.

20603. Each budget shall be itemized to set forth the necessary revenues and expenditures, by functions and object, in each fund to operate the public schools of the district as authorized by law and on forms prescribed by the Superintendent of Public Instruction.

20604. The budget may also contain an amount to be known as the general reserve in such sum as the governing board may deem sufficient, for the next succeeding fiscal year, to meet the cash requirements to which the district's credit may be legally extended for that portion of said next succeeding fiscal year until adequate proceeds of the taxes levied for, or apportionment of state funds made to, the district during such succeeding fiscal year are available to the district.

20605. The budget may also contain an amount to be known as the undistributed reserve. The funds in the undistributed reserve shall be available for appropriation by a two-thirds vote of the members of the governing board, to cover expenditures that have not been provided for or that may have been insufficiently provided for, or for unforeseen requirements as they may arise.

20606. Each budget shall be made in quintuplicate in the form and upon the blanks prescribed by the Superintendent of Public Instruction. It shall be the duty of the Superintendent of Public Instruction to prepare standard forms and blanks necessary to show the budgeting items and comparisons required by this article. Blanks shall be furnished to the school districts by the county superintendent of schools.

Article 2. Advisory Commission on School District Budgeting and Accounting

20621. There is in the state government the Advisory Commission on School District Budgeting and Accounting. It shall be comprised of 11 members. Nine of the members shall be appointed by the State Board of Education. One of the members shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate Committee on Rules. Each member shall serve at the pleasure of the appointing power.

The State Board of Education shall appoint members so that all of the following groups are represented:

(a) Organized taxpayer groups or associations.

(b) Business community.

(c) Education profession.

(d) County government.

(e) Governing boards of school districts.

(f) Accounting profession.

20622. The members of the commission shall serve without compensation but shall be reimbursed for necessary traveling and other expenses incurred in performing their duties and responsibilities.

20623. The commission shall serve as an advisory body to the State Board of Education on program budgeting and accounting systems for school districts. The commission may select and employ independent and qualified consultants to formulate the details of a program budgeting and accounting system for local school districts. The commission shall evaluate the report of the consultants and recommend to the State Board of Education procedures for implementing program budgeting and accounting for school districts. In evaluating such report, the commission may

hold hearings in various parts of the state so as to give interested persons the opportunity to testify or present their view on the report, and shall submit its initial report to the State Board of Education not later than June 30, 1968.

20624. The provisions of this article, including the commission created under it, shall remain in effect until June 30, 1970. . . .

Sec. 12.5. There is hereby appropriated from the General Fund in the State Treasury to the State Department of Education the sum of forty thousand dollars ($40,000) to carry out the purposes of Sections 371 and 372 of, and Article 2 (commencing with Section 20621) of Chapter 2 of Division 16 of, the Education Code.

Sec. 13. The following sections of this act shall become operative on November 1, 1968: 6, 8, and 11. Article 1 (commencing with Section 20601) of Chapter 2 added to Division 16 of the Education Code by Section 7 of this act shall become operative on November 1, 1968. All other sections of this act shall become effective on the 61st day following the final adjournment of the 1967 Regular Session of the Legislature.

Sec. 14. This act shall be known as "The School Budget Act of 1967."

ASSEMBLY BILL NO. 2800
(Enacted October 19, 1971)

The people of the State of California do enact as follows:

Section 1. Article 3 (commencing with Section 171) of Chapter 1 of Division 2 of the Education Code is repealed.

Sec. 2. Section 363 of the Education Code is repealed.

Sec. 3. Section 372 of the Education Code is amended to read:

372. The Department of Education shall cooperate with the Educational Management and Evaluation Commission and shall as requested by the commission:

(a) Prepare and compile agenda items and research materials for the commission.

(b) Prepare and direct the execution of any provisions of agreements entered into by the commission for the formulation of a program budgeting and accounting system.

(c) Organize pilot projects for testing any program budgeting and accounting system.

(d) Recommend any change or revision of law necessary to effectuate any program budgeting and accounting system.

(e) Promote any program of budgeting and accounting system through cooperative working arrangements with interested public and private agencies and associations.

(f) Coordinate the budgeting and accounting activities of interested public and private agencies and associations.

Sec. 4. Section 473 of the Education Code is amended to read:

473. In establishing, maintaining, and operating the system, the department shall:

(a) Consult and cooperate with school districts, county superintendents, advisory committees on integrated data processing, task forces for implementing the development and utilization of a statewide information system, intergovernmental boards on electronic data processing and state electronic data processing policy committees created by statute or by executive order of the Governor.

(b) Cooperate with the Educational Management and Evaluation Commission in all matters relating to program budgeting.

(c) Maintain the system by incorporating necessary or desirable changes, modifications, and improvements.

(d) Provide sufficient flexibility within the system to allow local and state educational agencies to meet all of their educational information needs.

Sec. 5. Section 476 of the Education Code is amended to read:

476. The information-processing capabilities of the system shall include, but not be limited to, the following:

(a) Provision of a statewide common data base for educational research and other uses in education.

(b) Interchange of data with other educational institutions, including colleges and universities, and other agencies concerned with information about education.

(c) Machine processing aid to decisionmaking in educational administration and the use of modern management tools.

(d) Reduction of routine clerical activities in educational agencies.

(e) Facilitation of preparation of reports required by state and federal agencies.

(f) Support of functions of the Educational Management and Evaluation Commission. . . .

Article 4. Educational Management and Evaluation Commission

584. There is in the Department of Education the Educational Management and Evaluation Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and nine public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

With respect to the nine public members appointed by the State Board of Education, three members shall represent the field of economics, three members shall represent the learning sciences, and three members shall represent the managerial sciences.

Each public member shall serve at the pleasure of the appointing power.

584.1. The Members of the Legislature appointed to the commission pursuant to Section 584 shall have the powers and duties of a joint legislative committee on the subject of educational management and evaluation and shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power.

584.2. The members of the commission shall serve without compensation, except that they shall receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including travel expenses.

584.3. The Superintendent of Public Instruction or his representative shall serve as executive secretary to the commission.

584.4. The commission shall select one of its members to be chairman of the commission.

584.5. The commission shall assist and advise the State Board of Education in the evaluation of the program achievement of educational programs, in the determination of the relative cost effectiveness of educational programs, and shall make recommendations concerning the expanded use, modification, or replacement of educational programs so as to produce a higher degree of program achievement and cost effectiveness. The commission shall also serve as an advisory body to the State Board of Education on program budgeting and accounting systems for school districts.

584.6. As used in this article, "commission" means the Educational Management and Evaluation Commission. . . .

A. B. 606 CHAPTER 784
(Enacted in 1969)

Citation

6499.200. This chapter may be cited as the Educational Improvement Act of 1969.

Legislative Intent

6499.201. It is the intent of the Legislature that the funds provided by this chapter and the funds provided through Title I and Title III of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6), and Chapter 106 of the Statutes of 1966, First Extraordinary Session, be expended in the most effective way possible, and that cost effectiveness measures be employed in the approval and evaluation of all projects. It is the further intent of the Legislature that all projects be evaluated annually as to the degree of program achievement and cost effectiveness produced; that highly effective projects shall be expended to further use in the district where operated and in other districts; and that less effective projects be replaced with ones of proven effectiveness, or by new projects which hold promise of high effectiveness.

It is the intent of the Legislature that the effectiveness of a project be measured in terms of the objectives of the project, and that each district should be primarily concerned with the pupils' improvement in ability to read, to use and understand the English language, and to use and understand the concepts of mathematics.

The Legislature intends that each project be evaluated annually by the Department of Education to determine and identify its relative effectiveness; that such evaluation shall be assisted by an advisory committee competent to assess the effectiveness of the results of the project, and to make recommendations to the Department of Education and to the State Board of Education on projects to be expanded in use and those that should be modified or replaced to produce greater effectiveness.

Advisory Committee on Program and Cost Effectiveness

6499.203. The State Board of Education shall appoint an advisory committee on program and cost effectiveness to be composed of three public members representing the field of economics, three public members representing the learning sciences, and three public members representing the managerial sciences. The chairman of the committee shall be chosen by the members.

Duties

6499.204. The advisory committee on program and cost effectiveness shall (1) advise the Department of Education and the State Board of Education on projects to be approved, and the administration of Titles I and III of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6) and Chapter 106 of the Statutes of 1966, First Extraordinary Session, (2) assist in the evaluation of the program achievement of projects, (3) assist in the determination of the relative cost effectiveness of projects, and (4) advise on the projects which should have expanded use and those which should be modified or replaced to produce a higher degree of program achievement and cost effectiveness.

Compensation; Traveling Expenses

6499.205. Members of the committee shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business.

Approval of Projects

6499.206. In approving projects under this chapter, or projects under Titles I and III of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6), and Chapter 106 of the Statutes of 1966, First Extraordinary Session, the State Board of Education shall give due consideration to the effectiveness of the project and shall not continue in operation any project that, upon evaluation, has been shown to be of low effectiveness, and which has only a limited possibility of improved effectiveness.

Eligibility for Allowances

6499.207. From moneys provided pursuant to subdivision (h) of Section 17303.5, the Superintendent of Public Instruction shall compute an allowance for each school district which meets each of the following requirements:

(a) The district, during the preceding fiscal year, had an average daily attendance, exclusive of the average daily attendance of adults, as adults are defined by Section 5756, of 500 or more.

(b) The entitlement for the district for funds under Title

I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year for each unit of average daily attendance, exclusive of the average daily attendance of adults, as adults are defined by Section 5756, exceeds 150 percent of the statewide average entitlement.

For the purposes of this section, the average daily attendance of pupils in grades 7 and 8 attending a junior high school maintained by a high school district shall be credited to the high school district.

Computation of Allowances

6499.208. The allowance for each eligible district under Section 6499.207 shall be computed pursuant to the provisions of Sections 6499.209 to 6499.214, inclusive.

Entitlement of Funds; Weighting Factor

6499.209. (a) The Superintendent of Public Instruction shall compute for each eligible district the actual amount of entitlement for the district for funds under Title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year, per unit of average daily attendance, exclusive of the average daily attendance of adults, as adults are defined in Section 5756, during the preceding fiscal year.

(b) He shall determine the lowest amount per unit of average daily attendance computed for any district in the state under subdivision (a). This amount shall be assigned the weighting value of 1.00. A weighting value for each other district shall be computed by dividing the amount per unit of average daily attendance computed under subdivision (a) by the lowest amount per unit of average daily attendance computed under this subdivision.

Current Tax Rate; Weighting Factor

6499.210. (a) The Superintendent of Public Instruction shall determine the current tax rate as defined by Section 17604 for each eligible district, by type of district.

(b) He shall determine the lowest current tax rate in effect for each type of eligible district. Such lowest current tax rates shall be assigned the weighting value of 1.00 respectively.

(c) A weighting value for each other district current tax rate shall be computed by dividing the current tax rate for each district determined under subdivision (a) by the lowest current tax rate for each type of district determined under subdivision (b).

Test Scores; Weighting Factor

6499.211. (a) The Superintendent of Public Instruction shall determine the average achievement testing scores in terms of state percentiles in elementary school districts for grades 1, 3, and 6 or 8, whichever is the last grade in the particular elementary school within the school district, in high school districts for grade 12, and in unified school districts for grades 1, 2, 6 or 8, whichever is the last grade in the particular elementary school within the school district, and 12, as measured by the 1966-1967 statewide administered achievement tests.

(b) He shall compute the reciprocal value for each district achievement test score determined in subdivision (a).

(c) He shall determine the lowest reciprocal value for achievement test scores under subdivision (b). Such lowest reciprocal value shall be assigned the weighting value of 1.00.

(d) A weighting value for achievement test scores for each other district shall be computed by dividing the reciprocal value for each district determined under subdivision (b) by the lowest reciprocal value for achievement test scores determined under subdivision (c).

Composite Weighting Factor

6499.212. The Superintendent of Public Instruction shall determine the composite weighting value for each district, by multiplying together the weighting values computed for each district pursuant to Sections 6499.209, 6499.210, and 6499.211.

Weighted Average Daily Attendance

6499.213. The Superintendent of Public Instruction shall compute for each eligible district a weighted average daily attendance by multiplying the composite weighting value for the district determined in Section 6499.212 by the number of units per average daily attendance, exclusive of the average daily attendance of adults, as adults are defined by Section 5756, of the district.

Computation of Entitlement

6499.214. The Superintendent of Public Instruction shall compute the entitlement for each district by dividing the total of the amount appropriated for the purposes of this chapter by the sum of the weighted units of average daily attendance computed for all districts under Section 6499.213, and multiplying the quotient by the weighted average daily attendance for the district.

Application for Entitlement

6499.215. The governing board of any district for which an allowance was computed under Section 6499.208 may apply to the Superintendent of Public Instruction for an apportionment of a part or all of the allowance computed for the district. The application shall contain a detailed plan or plans for the use of the allowance. The plan or plans shall be submitted in accordance with the provisions of Article 2 (commencing with Section 6456) of Chapter 6.5 of this division. The State Board of Education may adopt rules and regulations relating to the form and content of applications and procedures for review and approval thereof.

Administration by Office of Compensatory Education

6499.216. Under the direction of the Superintendent of Public Instruction, the programs authorized by this chapter shall be administered by the Office of Compensatory Education. The Director of Compensatory Education shall insure that the programs of educational improvement maintained by eligible schools are coordinated with the district's ongoing program of compensatory education and

the Miller-Unruh Basic Reading Act of 1965, prescribed in Chapter 5.8 (commencing with Section 5770) of this division.

Exclusive Expenditure of Funds

6499.217. It is the intent of the legislature that amounts allowed pursuant to this chapter be expended exclusively for purposes of the programs authorized by this chapter. The Department of Education shall, for purposes of this chapter, prescribe a system of accounts and records to be used by school districts participating in programs authorized by this chapter which will clearly reflect the relationship between amounts provided for such purposes and the amounts expended therefor.

Approval of Applications

6499.218. Applications shall be subject to the approval of the State Board of Education. Upon approval by the State Board of Education, the Superintendent of Public Instruction shall certify an apportionment or apportionments to the Controller in accordance with procedures established by the State Board of Education. The Controller shall draw warrants on the State Treasury in the amounts certified in favor of the county treasurer of the county which has jurisdiction over the applicant school district. The county treasurer shall immediately credit the general fund of the applicant school district exactly as apportioned by the Superintendent of Public Instruction.

CHAPTER 1023, ASSEMBLY BILL NO. 1923
(Enacted September 14, 1970)

The people of the State of California do enact as follows:

Section 1. Section 6499.204 of the Education Code is amended to read:

6499.204. The advisory committee on program and cost effectiveness shall develop and recommend to the State Board of Education a methodology for evaluating the cost effectiveness of projects financed by Title I and III of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6) and Chapter 106 of the Statutes of 1966, First Extraordinary Session. Such methodology shall be utilized by the State Board of Education in determining which projects should be expanded and those which should be modified or replaced to produce a higher degree of program achievement and cost effectiveness. The advisory committee shall also assist the State Board of Education in the evaluation of the program achievement of such projects.

CHAPTER 1220, ASSEMBLY BILL NO. 2999
(Enacted October 21, 1971)

The people of the State of California do enact as follows:

Section 1. Section 161 is added to the Education Code, to read:

161. The State Board of Education shall develop guidelines which school districts may use in the development of teacher evaluation procedures pursuant to Article 5.5 (commencing with Section 13485) of Chapter 2 of Division 10, and shall distribute such guidelines to every school district.

CHAPTER 1600, ASSEMBLY BILL NO. 1483
(Enacted November 22, 1971)

The people of the State of California do enact as follows:

Section 1. Chapter 10.1 (commencing with Section 6961) is added to Division 6 of the Education Code, to read:

Chapter 10.1. Contracts For Special Educational Programs

6961. This act may be known and cited as "The Guaranteed Learning Achievement Act of 1971."

6962. The Legislature finds and declares, as follows:

(a) The State of California is committed to the ideal of a free public education for every child, consistent with his talents and abilities, and to this end the state and local governments expend annually substantial sums of money on local public school districts;

(b) The rising costs of public education in kindergarten and grades 1 through 12, inclusive, in the state, together with the increasing burden of property taxes for schools borne by residents of local school districts, when projected into the future, make it evident that new methods must be found to educate the children of the state to their fullest potential within the public sector, so that future projected educational costs might be reduced.

On the basis of these findings, it is the intent and purpose of the Legislature in enacting this chapter relating to experimental projects:

1. To increase significantly the achievement levels in reading and mathematics of children attending California public schools in the primary and elementary grades, as defined, through the use of contracts between public school districts and private contractors;

2. To provide that such contracting shall be on the basis of a "performance guarantee," whereby each private contractor is reimbursed on the basis of the performance and achievement of each child involved in the special experimental program;

3. To make the fullest use of federal funds which are or may become available for aid to public education in this state, especially for innovative and original public school programs;

4. To reinforce in public education the private enterprise concept of accountability for results, as measured by specific pupil achievement and mastery of basic skills, by holding the contractor and the school district directly responsible for a student's achievement and mastery of basic skills, or the lack thereof;

5. To demonstrate the effectiveness of new and innovative approaches to learning, which may later be capable of being transferred operationally to the public school system;

6. To reduce, consistent with quality and improved

student achievement, future projected public school costs in this state.

6962.5. It is the further intent of the Legislature that the programs authorized by this chapter shall be experimental in nature and that the programs be conducted on a limited scale, with the results derived therefrom to be analyzed to determine the feasibility of general application of the methods of the program.

6963. As used in this chapter:

(a) "Public school district" means any public school district in this state operating any combination of kindergarten and grades 1 through 12, inclusive, but does not include community college districts.

(b) "Private contractor" means any private individual, partnership, joint venture, firm, corporation, teachers' association, or other business entity involved and doing business in the field of educational research, testing, methodology, or any other aspect of the educational program, organized, registered, or licensed to lawfully do business in the State of California, and bonded.

(c) "Primary and elementary grades" means any educational program normally conducted by a public school district for children enrolled in kindergarten and grades 1 through 6, inclusive.

(d) "Performance guarantee contract" means a contract between a public school district and a private contractor pursuant to this chapter wherein the reimbursement to be provided by the public school district to the private contractor is based upon the measurable achievement and mastery of basic skills of students enrolled in the special program, and the maintenance of that student achievement for a period not less than six months after the date of the measurement of student achievement first required to ascertain the private contractor's reimbursement.

(e) "Penalty clause" means, as an integral part of every performance guarantee contract entered into pursuant to this chapter, a money penalty paid by the private contractor to the public school district with which he has contracted on account of each student who has not reached the level of achievement, mastery of basic skills, and proficiency specified in the contract and maintained that level of achievement and proficiency for at least six months thereafter.

(f) "The Elementary and Secondary Education Act of 1965" means Public Law 10 (79 Stat. 27) of the 89th Congress, and all acts supplemental thereto.

(g) "Evaluation and testing procedure" means the method of ascertaining the beginning and ending achievement, mastery of basic skills, and proficiency level in reading and mathematics of students enrolled in the special programs authorized pursuant to this chapter, which method shall be specifically set forth in any performance guarantee contract. Such evaluation and testing procedure shall make use of measurement devices specifically approved for this purpose by the State Board of Education on recommendation of the Superintendent of Public Instruction or developed by the contracting parties who have reached agreement on evaluation and testing procedures subject to the approval of the Superintendent of Public Instruction. Such tests shall be administered by the Superintendent of Public Instruction.

6964. To participate in this experimental project, any public school district in this state may, with the approval of its governing board, submit to the Superintendent of Public Instruction a proposal to enter into a performance guarantee contract with a private contractor to provide the special programs authorized pursuant to this chapter. Such proposal shall propose special programs only in the fields of reading and mathematics. The proposal shall include a copy of the proposed performance guarantee contract, including the preschool or primary grades to be enrolled in the special program, the basis for reimbursement to the private contractor to include the penalty clause, the evaluation and testing procedure to be employed in the program, and the period of time of the program. Each such contract shall include in its terms specified levels of achievement, mastery of basic skills, and proficiency to be reached by enrollees in the program within a specified period of time, upon which any penalty under a penalty clause shall be based. Each proposal submitted pursuant to this section shall contain a description of the proposed method of funding, to include federal, state, and local sources.

The governing board shall consider the amount and degree of improvement guaranteed, as well as the total cost.

No contract submitted to the Superintendent of Public Instruction shall be entered into by any public school district without the express approval of the superintendent. The superintendent may also, at the time he approves such a contract, approve the allocation of federal funds available under the Elementary and Secondary Education Act of 1965 or any other federal act providing federal aid to public school districts to finance, in whole or in part, the special program to be conducted under the contract. He shall also determine the amount of state funds to be allowed to the district.

No proposal shall be approved by the State Board of Education which does not, in the opinion of the State Board of Education, offer a substantial chance of being transferred and duplicated by the public school system at a later date, if the special program therein contained is found to have merit in terms of improving student achievement and mastery of basic skills in the subject or subjects specified and reducing future projected public school costs.

6965. Any performance guarantee contract submitted, together with a program proposal, by a public school district shall contain:

(a) An outline of the special program to be provided by the private contractor, and whether the program is to be provided in reading, mathematics, or both.

(b) The primary and elementary grade levels to be enrolled in the special program, together with the estimate of the total number of students to be enrolled in each grade level in the program.

(c) The achievement goal of students enrolled in the special program, to be achieved by the private contractor, stated in terms of reading or arithmetical achievement on the basis of performance objectives, mastery of basic skills, or other recognized basis of proficiency.

(d) The basis of reimbursement by the public school district to the private contractor and the penalty clause.

(e) The evaluation and testing procedure to be employed in the special project.

(f) A design for an audit of the program.

6965.2. A performance guarantee contract may include provision for:

(a) The use of regular teachers employed in the public school district in the special program, or other special certificated personnel employed in the public school district.

(b) The use of special teaching machines or other unique teaching methodology.

(c) The lease or sale of such teaching machines to the school district upon completion of the special program.

(d) The waiver of certification qualifications for persons employed in the special program.

(e) Payment for 20 percent of the work after 40 percent of it is performed, and payment for an additional 20 percent of the work after 60 percent of it is performed.

Twenty percent of the payment for the work performed shall be withheld for a period not to exceed six months following the completion of the contract services.

(f) Certificated and regular teachers employed in the public schools shall be used in performance guarantee contracts on a voluntary basis.

(g) No certificated employee currently employed by a school district shall lose his position because of any personnel and machine requirements of a performance guarantee contract.

(h) Any certificated employee of a school district who agrees to teach pursuant to a performance guarantee contract shall have the right to continue his membership in any certificated employee organization and to utilize the services of such organization to render advice about, and to negotiate, provisions of his employment contract with the private contractor.

This enumeration of provisions which may be included in a performance guarantee contract shall not be deemed to be exclusive.

6965.5. No later than 90 days following the completion of a special program authorized by virtue of an approved performance guarantee contract, the public school district contracting for the program shall submit to the Superintendent of Public Instruction a report and evaluation of the success or failure of the program in terms of the numbers of enrollees successfully completing the program. An enrollee shall be deemed to have successfully completed the program if he meets the performance standard established in the contract in the time specified in such contract. The report and evaluation shall include the numbers of student enrollees who exceeded and who did not meet the performance standards established by the contract, and the amount of penalty assessed or incentive award granted, as the case may be, on account of such student enrollee. The report and evaluation shall also include a statement of the probability and feasibility of the transferral of the special program to the operational control of a public school district, together with the judgment of the public school district as to the success or failure of the special program conducted pursuant to the contract.

6965.6. The Superintendent of Public Instruction is responsible for the conduct of both preinstruction and postinstruction testing for performance guarantee contracts.

6965.7. The special programs authorized pursuant to this chapter shall be entered into on a purely voluntary basis by public school districts in the state.

6965.9. Participation in the program authorized by this chapter is experimental in nature. In reviewing proposals and proposed contracts submitted by public school districts pursuant to this chapter, the Superintendent of Public Instruction shall select for approval special programs conducted in five public school districts, each of which shall have one of the following general characteristics:

(a) A district located in a densely populated urban area, with higher than average rates of unemployment, welfare dependency, lower than average scores on statewide pupil achievement tests, and similar characteristics.

(b) A district located in a suburban community.

(c) A district located in a rural, agricultural area, or in a city or town surrounded largely by a rural, agricultural area.

(d) A district ranking among the largest 20 school districts, in terms of pupil enrollment, in the state.

(e) A district enrolling not more than 5,000 pupils in all grades operated by the district.

In no event shall more than one-fourth of the federal funds which may be available pursuant to this chapter be allocated for projects and contracts submitted by a public school district.

6966. No later than April 1 of each year the Superintendent of Public Instruction shall submit to the Assembly, the Senate, the Governor and the State Board of Education a comprehensive report summarizing the special programs which have been conducted in the last full year pursuant to this chapter, their effectiveness or lack thereof in improving the achievement levels of students enrolled, their cost in comparison with comparable public school costs for programs in the same subjects at the same grade levels, the total cost of all special programs approved, and any recommendations for future legislative or executive changes which might be made in the programs or the statutes.

6966.5. In undertaking his responsibilities and duties pursuant to this chapter the Superintendent of Public Instruction may recommend to the State Board of Education, and the State Board of Education may allocate funds received or allocable to California pursuant to the Elementary and Secondary Education Act of 1965 for the purposes of special programs authorized by this chapter.

The Superintendent of Public Instruction shall also allow to those school districts the state funds appropriated for expenditure pursuant to this chapter or funds available pursuant to the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of this division). Funds appropriated for expenditure under the Miller-Unruh Basic Reading Act of 1965 are hereby reappropriated for expenditure pursuant to this chapter in such amounts as are required by the Superintendent of Public Instruction to make the allowances required or authorized by this chapter.

Public school districts may include in their budgets any amount necessary to support special programs authorized

by this chapter, which are contracted for by the district.

The State Board of Education may recommend and the Governor may include in the Budget Bill for the fiscal year 1972–1973 and fiscal years thereafter an amount sufficient to partially support the special programs authorized by this chapter.

6966.7. This chapter shall remain in effect until June 30, 1975, and shall have no force or effect thereafter.

Sec. 2. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 3. Any public school district participating in this program shall continue to receive all state aid to which it would otherwise be entitled and the average daily attendance shall include pupils enrolled in special programs established by this act.

COLORADO

The Colorado General Assembly passed an Educational Accountability Act on June 7 in the 1971 legislative session. This Act was funded in the amount of $40,000 in fiscal year 1972 and has been funded for another $40,000 for fiscal year 1973. The contents of the Act are given below:

CHAPTER 123, S. 41 (ARTICLE 41), 1971

123-41-1. Short title. This article shall be known and may be cited as the "Educational Accountability Act of 1971."

123-41-2. Legislative declaration. (1) The general assembly hereby declares that the purpose of this article is to institute an accountability program to define and measure quality in education, and thus to help the public schools of Colorado to achieve such quality and to expand the life opportunities and options of the students of this state; further to provide to local school boards assistance in helping their school patrons to determine the relative value of their school program as compared to its cost.

(2) (a) The general assembly further declares that the educational accountability program developed under this article should be designed to measure objectively the adequacy and efficiency of the educational programs offered by the public schools. The program should begin by developing broad goals and specific performance objectives for the educational process and by identifying the activities of schools which can advance students toward these goals and objectives. The program should then develop a means for evaluating the achievements and performance of students. It is the belief of the general assembly that in developing the evaluation mechanism, the following approaches, as a minimum, should be explored:

(b) Means for determining whether decisions affecting the educational process are advancing or impeding student achievement;

(c) Appropriate testing procedures to provide relevant comparative data at least in the fields of reading, language skills and mathematical skills;

(d) The role of the department of education in assisting school districts to strengthen their educational programs;

(e) Reporting to students, parents, boards of education, educators, and the general public on the educational performance of the public schools and providing data for the appraisal of such performance; and

(f) Provision of information which could help school districts to increase their efficiency in using available financial resources.

123-41-3. State board of education–duties. (1) (a) The state board of education shall develop a state accountability program, which:

(b) Describes and provides for implementation of a procedure for the continuous examination and improvement of the goals for education in this state.

(c) Identifies performance objectives which will lead directly to the achievement of the stated goals.

(d) Adopts a procedure for determining the extent to which local school districts accomplish their performance objectives. Evaluation instruments, including appropriate tests, shall be developed under the authority of this article to provide the evaluation required, but standardized tests shall not be the sole means developed to provide such evaluation.

(e) Recommends a procedure and timetable for the establishment of local accountability programs.

(2) The state board of education shall adopt rules and regulations for the implementation of this article.

(3) (a) There is hereby created an advisory committee to the state board of education, which shall consist of seventeen members to be selected in the manner and for the terms provided in this subsection (3). The advisory committee shall assist the state board of education in performing its duties under this article.

(b) (i) Three of the members of the advisory committee shall be appointed by the speaker of the house of representatives, of which no more than two shall be from each of the major political parties; and two of the members of the advisory committee shall be appointed by the president of the senate, one from each of the major political parties.

(ii) Five members of the advisory committee shall be appointed by the governor from among those persons who are currently serving or have served as members of boards of education in this state.

(iii) Seven members of the advisory committee shall be appointed by the state board of education, three of which shall be classroom teachers and three of which shall be public school administrators.

(4) The terms of office of members of the advisory committee shall be three years; except that of the members appointed under subsection (3) (b) (i) to take office on July 1, 1971, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and one member shall be appointed for a three-year term; of the members appointed under subsection (3) (b) (ii) to take office on July 1, 1971, two members shall be appointed for one-year terms, one member shall be appointed for a two-year term, and two members shall be appointed for three-year terms; and of the members appointed under subsection (3) (b) (iii) to take office on July 1, 1971, two members shall be appointed for a one-year term, two members shall be appointed for two-year terms, and three members shall be appointed for three-year terms. Vacancies shall be filled by appointment, in the same manner as original appointments, for the unexpired term.

(5) The advisory committee shall elect a chairman from among its members. The members of the advisory committee shall receive no compensation for their services on the committee but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties on the committee.

(6) The department of education shall make available to the advisory committee such data, facilities, and personnel as are necessary for it to perform its duties.

123-41-4. Local accountability programs. (1) The board of education of each school district in the state shall adopt a plan for a local accountability program designed to measure the adequacy and efficiency of educational programs offered by the district. The board shall appoint an advisory accountability committee which shall make recommendations to the board relative to the program of accountability but it shall be the responsibility of the board to implement the provisions of this section. The advisory accountability committee shall consist of at least one parent, one teacher, one school administrator, and a taxpayer from the district.

(2) The board of education of each district shall report not later than December 31 of each year to the residents of the district, and to the state board of education, on the extent to which the district has achieved its stated goals and objectives. The report shall also contain an evaluation of educational decisions made during the previous year which have affected school services and processes.

(3) The state board of education shall assist local boards of education in the preparation of the district goals and objectives and the procedures for measuring school district performance in reaching those goals and objectives.

123-41-5. Reports. Not later than March 1, 1972, and each year thereafter, the state board of education shall transmit to the general assembly a report of its activities in developing and administering the educational accountability program, including the progress of the state and local school districts toward the achievement of their respective goals and objectives. The state board of education shall also recommend any legislation which it deems necessary for the improvement of educational quality in this state.

Section 2. Effective date. This act shall take effect July 1, 1971.

Section 3. Appropriation. In addition to any other appropriation, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the fiscal year beginning July 1, 1971, to the department of education, the sum of forty thousand dollars ($40,000), or so much thereof as may be necessary for the administration and implementation of this act.

Colorado's State Legislature also enacted Senate Bill No. 42 in the 1971 legislative session, which is the Program, Planning, Budgeting and Evaluating System (PPBES) Act. This Act is reproduced below:

SENATE BILL NO. 42

CONCERNING A BUDGETING AND EVALUATION SYSTEM FOR THE PUBLIC SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. 123-34-5, Colorado Revised Statutes 1963 (1967 Supp.), is amended to read: **123-34-5. Financing budgeting, and accounting.** (1) Financing of the services performed under the direction of the board of cooperative services shall be by contributions from available moneys in any funds, which may be legally expended for such services, of the participating members on the basis of a proportionality agreed upon by the governing boards of the participating members and from the boards of cooperative services funds.

(2) A board of cooperative services shall adopt a budget and an appropriation resolution prior to the beginning of the calendar year for which adopted.

(3) A board of cooperative services shall follow the provisions of "The School District Budget Law", being Article 32 of this chapter, wherever such provisions are applicable, except that the provisions of sections 123-32-12 (3) (c), (4), and (6), and 123-32-15 (4) shall not apply to a board of cooperative services.

Section 2. Chapter 123, Colorado Revised Statutes 1963, as amended, is amended by the addition of a new article to read:

ARTICLE 42
Program Planning, Budgeting, and Evaluating System

123-42-1. Short title. This article shall be known and may be cited as the "Program Planning, Budgeting, and Evaluating System (PPBES) Act."

123-42-2. Legislative declaration. It is the purpose of this article to develop for the public schools a budget format which will present educational programs in terms of pupil achievement and relate these programs to expenditures.

123-42-3. Development of manual. (1) The department of education shall contract with a nationally recognized firm having experience and expertise in developing PPBES for public schools for the preparation draft of a manual containing definitions and directions necessary for establishing a state-wide program accounting system.

(2) The department of education, with expert assistance, shall prepare a final draft of the manual and shall send at least one copy thereof to each school district in the state no later than July 1, 1972.

123-42-4. Establishment of system by school districts. No later than July 1, 1973, each school district in this state shall establish and maintain its program accounting system pursuant to the manual prescribed in section 123-42-3.

123-42-5. Penalties. Any school district in this state which does not establish and maintain its program accounting system as required by section 123-42-4, shall forfeit and shall not be paid an amount equal to ten percent of the

amount it otherwise would receive during the ensuing calendar year pursuant to the "Public School Foundation Act of 1969."

123-42-6. Reports. Each school district of this state shall report to the state board of education no later than January 1 and July 1 of each year following the institution of such system concerning its experience with such system during the previous six months.

123-42-7. Administration. This article shall be administered by the state board of education. The state board of education shall have the authority to adopt reasonable rules and regulations for the administration of the article.

Section 3. Appropriation. In addition to any other appropriation, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the department of education, the sum of forty thousand dollars ($40,000), for the fiscal year beginning July 1, 1971, in order to carry out the purposes of this act.

The above Act was amended by Chapter 123, S. 42 (H.B. 1020) enacted in 1973, which is reproduced on page 46.

CHAPTER 123, S. 43 (ARTICLE 43) 1971
COMPREHENSIVE EDUCATIONAL PLANNING

AN ACT CONCERNING COMPREHENSIVE EDUCATIONAL PLANNING IN THE PUBLIC SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Chapter 123, Colorado Revised Statutes 1963, as amended, is amended by the addition of a new article to read:

123-43-1. Short title. This article shall be known and may be cited as "The Comprehensive Educational Planning Act".

123-43-2. Legislative declaration. It is the purpose of this article to assist school districts in comprehensive educational planning by providing financial support for the development of school improvement plans.

123-43-3. Definitions. (1) As used in this article, unless the context indicates otherwise:

(2) "State board" means the state board of education.

(3) "Department" means the department of education.

(4) "District" means a Colorado school district organized and existing pursuant to law, but shall not include a junior college district.

123-41-4. Comprehensive educational planning. (1) (a) Comprehensive educational planning includes, but is not limited to, the following steps:

(b) Evaluation of the present educational program and identification of the strengths and weaknesses of the district;

(c) Delineation of the knowledge, skills, and attitudes which are the goals of the district's educational program;

(d) Development of a plan for the district's educational program which will enable pupils in the district to meet the delineated goals.

123-43-5. Amount of grant. Districts shall be eligible to apply for grants of up to five thousand dollars per year from the state board for comprehensive educational planning.

123-43-6. Qualification. In order to qualify for a grant under this article, a district must submit to the department a letter of intent committing the district to the development of a comprehensive educational plan and committing funds for the planning program equal to or greater than the amount requested from the state.

123-43-7. Payment of grants. The district shall be entitled to receive the full amount of the grant when the initial planning, as required by section 123-41-8, is completed.

123-43-8. Initial planning. The district, with the assistance of the department, shall prepare a program for carrying out the initial evaluation, delineation of goals, and plan development for the district. The program shall provide for participation by community representatives, professional personnel, and students in all phases of the preparation of the comprehensive educational plan.

123-43-9. District report. Any district receiving a grant under the provisions of this article shall file with the state board, within one year of the submission of the letter of intent, a statement of costs and a report on the outcome of the completed phases of the comprehensive educational plan.

123-43-10. Allowable expenditures. (1) (a) Expenditures which may be financed through the grant are: (b) Salary for personnel, including expenditures for released time;

(c) Consultation services;

(d) Materials;

(e) Travel, and other necessary services which are directly related to development of a comprehensive, long-range educational plan.

123-43-11. Administration. This article shall be administered by the state board. The state board shall have the authority to adopt reasonable rules and regulations for the administration of this article.

123-43-12. Special consulting services. The department may secure outside consulting services for the participating districts.

123-43-13. State board report. No later than February 1, 1972, December 1, 1972, and December 1 of each year thereafter, the state board shall transmit to the general assembly a report of the progress of school districts which are engaged in comprehensive educational planning under this article.

Section 2. Effective date. This act shall take effect July 1, 1971, and shall remain in effect until the general assembly determines that the purposes of the article have been satisfactorily met.

Section 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to the department of education, the sum of ninety thousand dollars ($90,000), for this fiscal year beginning July 1, 1971, for comprehensive educational planning by school districts.

(2) The department of education may expend not more than twenty-five percent of the amount appropriated in subsection (1) of this section for the purchase of consulting services for participating districts.

(3) Any amounts not allocated initially to districts shall remain available until June 30, 1972, and shall be allocated on the basis of need by the state board.

Section 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

CHAPTER 123, S. 43, PAR. 17, 1971
(HOUSE BILL NO. 1024)

AN ACT CONCERNING THE QUALIFICATION OF APPROVED IN-SERVICE EDUCATION PROGRAMS AS RECERTIFICATION CREDIT.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. 123-17-17, Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

123-17-17. Renewal of certificate or letter of authorization. (1) A certificate or letter of authorization shall expire as prescribed in sections 123-17-13 and 123-17-15, notwithstanding the provisions of section 3-16-3 (7), C.R.S. 1963, and may be renewed upon application and payment of the prescribed fee. An applicant for renewal of a certificate shall submit proof of satisfactory completion of not less than six semester hours of recertification credit which maintain or improve the applicant's skill in his employment, such credit to be earned within the previous five-year period in a standard institution of higher learning; except that not more than the equivalent of three semester hours of such recertification credit may be earned through in-service education programs approved by the state board of education and that an applicant for renewal of a vocational teacher or special certificate may, in lieu thereof, submit evidence of additional training or experience.

(2) (a) The state board of education shall establish criteria for in-service education programs to assure that each program which is approved for recertification credit:

(b) Demonstrates that the need for an in-service education program has been assessed by teachers and other school district personnel in cooperation with other agencies or organizations;

(c) Provides for planned activities which meet that need;

(d) Includes provisions for local contributions of support;

(e) Includes an evaluation plan which will determine the effect of the activities on the learning process;

(f) Indicates the part which it plays in implementing the overall, long-range plans of the district or the board of cooperative services;

(g) Evidences cooperation with institutions of higher education, where the program could benefit from such cooperation, and with the department of education.

(3) For purposes of this section, "in-service education program" means a program directly sponsored by a school district or a board of cooperative services for all or any portion of the instructional, administrative, and support personnel employed by the district or districts to improve the quality of the learning process.

Section 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

CHAPTER 123, S. 39, 1971
(HOUSE BILL NO. 1295)

AN ACT CONCERNING EDUCATIONAL ACHIEVEMENT PROGRAMS IN PUBLIC SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. 123-39-2, Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

123-39-2. Purpose. (1) It is the purpose of this article to assist certain local school districts to carry out programs for educational achievement of those students in grades one through six who are below their assigned grade in reading at least: three-tenths of a grade level in first grade; six-tenths of a grade level in second grade; nine-tenths of a grade level in third grade; one and two-tenths of a grade level in fourth grade; one and five-tenths of a grade level in fifth grade; and one and eight-tenths of a grade level in sixth grade; and in grades seven through twelve, two or more grade levels below their assigned grade in reading, as determined by standardized achievement tests as approved by the department of education. Test results may be extrapolated forward or backward one year, but in no event may any grade qualify for a greater proportion of educationally disadvantaged children than the actual proportion certified in the nearest grade tested.

(2) The general assembly hereby declares it to be the purpose and intent of this article also to aid deserving students enrolled or accepted for enrollment in the undergraduate divisions of the state institutions of higher education in the state by providing sufficient moneys to fund a work study program whereby such deserving students may supplement their income and thus aid themselves in meeting the costs of higher education.

Section 2. 123-39-3 (1) (a) and (2) Colorado Revised Statutes 1963 (1969 Supp.), are amended to read:

123-39-3. Programs for improved educational achievement. (1) (a) Local school districts shall be eligible to apply for grants from the state board of education, hereinafter referred to as the "board", for planning and implementing

programs for improved educational achievement in areas where there are high concentrations of children who are not achieving up to their grade levels through:

(2) The board shall supervise and evaluate such programs, and report on all approved grants to the education committees and the joint budget committee of the general assembly on an annual basis. Such report shall include the amount, purpose, and evaluation procedure for each grant. Applications outlining proposed programs shall be made to the department of education prior to the first day of August preceding the regular school year.

Section 3. 123-39-4 (1) (a), Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

123-39-4. Requirements for state assistance. (1) (a) The board shall approve grants under section 123-39-3, to local school districts for programs for improved educational achievement only if the board determines that:

Section 4. 123-39-6, Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

123-39-6. Payment of grants. The board shall certify to the state treasurer the amount of grants to which a school district is entitled, and such amounts shall be paid by the state treasurer from moneys appropriated by the general assembly at the same time and in the same manner as payment is made under any foundation act or equalization act that is in effect at that time.

Section 5. Appropriation. In addition to any other appropriation, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the fiscal year commencing July 1, 1971, to the state board of education, the sum of seven hundred fifty thousand dollars ($750,000) to be used for the program in grades one through six, and the sum of two hundred fifty thousand dollars ($250,000) to be used for the program in grades seven through twelve, or so much thereof as may be necessary, to implement the provisions of article 39 of chapter 123, C.R.S. 1963.

Section 6. Repeal. Section 10 of chapter 300, Session Laws of Colorado 1969, is repealed.

Section 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

CHAPTER 123, S. 42, 1973
(HOUSE BILL NO. 1020)

AMENDING THE "PROGRAM PLANNING, BUDGETING, AND EVALUATING SYSTEM (PPBES) ACT".

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Article 42 of chapter 123, Colorado Revised Statutes 1963 (1971 Supp.), is repealed and reenacted, with amendments, to read:

123-42-1. Short title. This article shall be known and may be cited as the "Financial Policies and Procedures Act".

123-42-2. Legislative declaration. It is the purpose of this article to develop for the public schools a program-oriented budget format which will relate anticipated costs and actual costs to designated programs.

123-42-3. Adoption and compatibility of handbook. (1) The state board of education shall have the authority to adopt a financial policies and procedures handbook that will meet the needs of the existing statutes and of such other rules and regulations as may be necessary to fulfill the intent of this article.

(2) The financial policies and procedures handbook so adopted shall be compatible with the provisions of the "Accountability Act of 1971", but shall be limited primarily to the relating of budgeted and actual costs to designated programs.

123-42-4. Establishment of system by school districts. (1) The state board of education shall prepare a first draft of the financial policies and procedures handbook and shall send at least one copy thereof to each school district in the state no later than September 1, 1973.

(2) The state board of education shall designate not less than five volunteer school districts which are representative as to pupil size and population to cooperate in finalizing a financial policies and procedures handbook during the 1974 budget year.

(3) The state board of education shall prepare a final draft of the financial policies and procedures handbook and shall send at least one copy thereof to each school district in the state no later than July 1, 1975. The financial policies and procedures handbook shall be fully implemented on January 1, 1976 by all school districts having a school population of over one hundred students.

123-42-5. Reports. Beginning on or before February 15, 1976, and continuing on or before each February 15 and August 15 thereafter, the secretary of the board of education of each school district shall file with the state board of education a semiannual report of receipts and expenditures of each fund with designated program reports in accordance with the state board's adopted financial policies and procedures handbook.

123-42-6. Administration. This article shall be administered by the state board of education. The state board of education shall have the authority to adopt reasonable rules and regulations for the administration of this article.

Section 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

CONNECTICUT

Connecticut's General Assembly passed a number of Acts relating to evaluation of educational programs during the 1971 session. Some of the Acts are presented below, starting with Public Act No. 665, which requests an evaluation and assessment procedure to measure educational programs of the school districts. Following this Act are five Acts concerned with the evaluation of vocational and occupational education programs, programs for the disadvantaged, special education programs, federal education programs, and innovative programs.

A section of the report of the Governor's Commission on Services and Expenditures was sent to the State Educational Accountability Repository by Connecticut. The section is titled **Education**, *and among the many recommendations are those which ask for a reorganization of the Department of Education; the installation of a system for evaluating, projecting, and monitoring financial aspects of federal and state grant programs for education; immediate steps to improve management control, service, and cost effectiveness in the Department of Education; and the expanded use of data processing. Estimated costs to carry out these recommendations are provided in the report. Copies of the document can be distributed upon request.*

Another bill has been passed by the Connecticut State Legislature in the 1972 session, and this bill was passed over the Governor's veto. Substitute House Bill No. 5371 establishes a Legislative Program Review Committee which is a permanent standing Committee composed of legislative members from both the Senate and House. This Committee shall meet as often as it may be necessary to examine state agency programs and their administration to determine whether they are effective, efficient, serve their intended purposes, or require modification or elimination. There is a legislative management group in the Connecticut State Legislature which has funds of its own. This newly-established Committee will be able to draw from these funds and also from the budget of the Legislature. The bill is quoted following the aforementioned Acts.

PUBLIC ACT NO. 665 (Enacted July 6, 1971)

AN ACT CONCERNING DUTIES OF THE BOARD OF EDUCATION TO EVALUATE THE EDUCATIONAL PROGRAMS OF SCHOOL DISTRICTS WITH THE ADVICE OF A LEGISLATIVE COMMITTEE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-4 of the 1969 supplement to the general statutes is repealed and the following is substituted in lieu thereof: (a) Said board shall have general supervision and control of the educational interests of the state, which interests shall include pre-school, elementary and secondary education, special education, vocational education and adult education; shall provide leadership and otherwise promote the improvement of education in the state, including research, planning and evaluation; shall prepare such courses of study and publish such curriculum guides including recommendations for textbooks, materials and other teaching aids as it determines are necessary to assist school districts to carry out the duties prescribed by law; shall conduct workshops and related activities, including programs of intergroup relations training, to assist teachers in making effective use of such curriculum materials and in improving their proficiency in meeting the diverse needs and interests of pupils; and shall keep informed as to the condition, progress and needs of the schools in the state. (b) Said board shall submit to the governor, as provided in section 4-60, and to the general assembly, a detailed statement of the activities of the board and an account of the condition of the public schools and of the amount and quality of instruction therein and such other information as will assess the true condition, progress and needs of public education. Said board shall develop or cause to be developed an evaluation and assessment procedure designed to measure objectively the adequacy and efficiency of the educational programs offered by the public schools and shall report on these procedures to the joint standing committee on education of the general assembly by February 15, 1972. (c) Said board shall also include recommendations for policies and programs designed to improve education and may publish such reports and information concerning the educational interests of the state within its jurisdiction as it deems advisable.

Section 2. This act shall take effect July 1, 1971.

PUBLIC ACT NO. 383 (Enacted June 3, 1971)

AN ACT CONCERNING THE EVALUATION OF PROGRAMS OF VOCATIONAL AND OCCUPATIONAL EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 10-96 of the general statutes is repealed and the following is substituted in lieu thereof: (a) The state board of education shall establish standards under which it will approve town-operated vocational schools and industrial arts programs in junior high schools and high schools and prescribe the regulations under which towns shall receive grants-in-aid for such approved vocational schools and for the expansion and development of industrial arts programs. (b) Said board shall evaluate periodically the progress, accomplishments and needs of programs provided for in section 10-64 to 10-66, inclusive, 10-95, 10-96, 10-99, 10-266f and 10-286a and shall on or before March first of each year report its findings to the governor and the general assembly. Said board shall at such time report to the joint standing committee on education of the general assembly the disbursement of funds, the types of projects funded and evaluate projects authorized by said statutes.

PUBLIC ACT NO. 52 (Enacted April 17, 1971)

AN ACT CONCERNING THE PERIODIC EVALUATION AND REPORTING OF PROGRAMS DEALING WITH THE EDUCATION OF DISADVANTAGED CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 10-266i of the 1969 supplement to the general statutes is repealed and the following is substituted in lieu thereof: The state board of education shall periodically evaluate the progress and accomplishments of programs covered by sections 10-266f to 10-266h, inclusive, and shall report its findings to the boards of education providing such programs and to all other boards of education. The state board of education shall, on a semiannual basis, review with the joint standing committee on education of the general assembly the disbursement of funds, the types of projects funded, and the evaluation of programs dealing with the education of disadvantaged children and youth.

PUBLIC ACT NO. 326 (Enacted May 28, 1971)

AN ACT CONCERNING EVALUATION OF SPECIAL EDUCATION PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 10-76h of the 1969 supplement to the general statutes is amended by adding subsection (d) as follows: The state board of education shall periodically evaluate the progress and accomplishments of programs covered by sections 10-76a to 10-76g, inclusive. Said board shall annually review, with the joint standing committee on education of the general assembly, the disbursement of funds, the types of projects funded, and the evaluation of programs dealing with children requiring special education in order to apprise the general assembly of the true condition, progress and needs of special education.

PUBLIC ACT NO. 382 (Enacted June 6, 1971)

AN ACT CONCERNING REPORTING BY THE STATE BOARD OF EDUCATION OF EDUCATIONAL PROGRAMS CONDUCTED WITH FEDERAL FUNDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 10-11 of the 1969 supplement to the general statutes is repealed and the following is substituted in lieu thereof: (a) The state board of education is empowered, subject to the provisions of the general statutes, to receive any federal funds made available to this state for purposes of elementary, secondary or vocational education and to expend such funds for the purpose or purposes for which they are made available. The state treasurer shall be custodian of such funds. (b) The state board of education, on or before February fifteenth of each year, shall submit to the governor and the general assembly a detailed report of all federal funds for such educational purposes received in Connecticut, the disbursement of such funds, the programs funded, an evaluation of said programs and such additional information as may be requested by the joint standing committee on education of the general assembly.

PUBLIC ACT NO. 430 (Enacted June 6, 1971)

AN ACT CONCERNING THE DEVELOPMENT OF INNOVATIVE EDUCATIONAL PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 10-76i of the 1969 supplement to the general statutes is repealed and the following is substituted in lieu thereof: (a) The board of education of any school district, or any other public or private non-profit organization or agency, may prepare and develop experimental educational plans and submit them to the state board of education, provided all such proposals coming from organizations other than a board of education shall be approved by the board of education of the school district before submission to the state board. Each such plan shall specify, describe and support with reasons the following: (1) The objectives of such plan; (2) the methods of evaluation to be employed; (3) the area to be served by and from which pupils will be drawn for the experimental educational project; (4) the policies, standards and methods to be employed in the selection of pupils; (5) the policies, standards and methods with respect to the operation of the project, including administrative organization, grouping of pupils, educational and instructional practices, the use and functioning of teachers and other instructional and supervisory personnel, choice of educational materials and equipment, allocation of curricular time and use of extra-school cultural facilities; (6) the site, size, design, estimated capital cost and method of financing of any school or other building, or specific standards and criteria for determining the same; (7) the expected sources of financial support together with estimates of the required annual budgets for the first two years of operation, exclusive of capital costs of land and buildings; (8) the policies and standards with respect to professional staff, including qualifications, estimated salary scales and methods of selection of professional personnel; and (9) provision for direct participation by members of the communities and students to be served by such experimental educational projects, in planning, policy-making and service function affecting such projects. The state board of education may accept, reject or modify any such experimental educational project, or it may request the revision and resubmission of such plan, if said board finds such plan does not conform to the educational interests of the state, as defined in section 10-4a and other sections of the general statutes. Acceptance of an experimental education project by the state board of education shall constitute compliance of the plan with this and other sections of this title. (b) The state board of education shall furnish assistance to all applicants in the planning and developing of projects under this section. (c) All experimental educational projects conducted pursuant to subsection (a) of this section shall be evaluated at least annually.

The state board of education shall, on or before March first annually, review with the joint standing committee on education of the general assembly all applications for projects, state board actions on such proposals, the current programs, evaluations of such programs, and such other information as said committee may require in order to inform itself about such programs.

SUBSTITUTE HOUSE BILL NO. 5371
(passed over Governor's veto, 1972)

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. There is hereby created a legislative program review committee which shall be a permanent standing committee of the general assembly, consisting of six members of the senate, three appointed by the president pro tempore and three appointed by the minority leader, and six members of the house of representatives, three appointed by the speaker of the house and three appointed by the majority leader. At least one appointment by each appointing authority shall be of a member from the joint standing committee on appropriations and at least one shall be of a member from the legislative committee having jurisdiction over government administration and policy. Members shall serve for a term of two years from date of appointment. The appointments shall be made at the beginning of each regular session of the general assembly in the odd-numbered year; except that initial appointment to said committee shall be made within thirty days after July 1, 1972, and shall be for a term not to exceed seven months. The terms of all members appointed to the committee shall end with the termination of each member's term or holding of office, whichever occurs first. Vacancies shall be filled in the same manner as the original appointments. The commiteee shall select co-chairman and such other officers as it may deem necessary from among its membership. A majority of the membership shall constitute a quorum and all actions of the committee shall require the affirmative vote of a majority of the full committee membership.

Section 2. As used in this act "program review" means an examination of state government programs and their administration to ascertain whether such programs are effective, continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination.

Section 3. The legislative program review committee shall meet as often as may be necessary, during legislative sessions and during the periods between sessions, to perform its duties and functions.

Section 4. The legislative program review committee shall: (1) Direct its staff and other legislative staff available to the committee to conduct program reviews to assist the general assembly in the proper discharge of its duties; (2) establish policies and procedures regarding the printing, reproduction, and distribution of its reports; (3) review staff reports submitted to the committee and, when necessary, confer with representatives of the state departments and agencies reviewed in order to obtain full and complete information in regard to programs, other activities, and operations of the state, and may request and shall receive from all public officers, departments, agencies and authorities, of the state and its political sub-divisions, such assistance and data as will enable the committee to fulfill its duties. The committee shall act on staff reports and, in its report, recommend such legislation as may be necessary to modify current operations and agency practices; (4) consider and act on requests by legislators, legislative committees, elected officials of state government, and state department and agency heads for program reviews. The request shall be submitted in writing to the program review committee and shall state reasons to support the request. The decision of the committee to grant or deny such a request shall be final; (5) retain, within available appropriations, the services of consultants, technical assistants, research and other personnel necessary to assist in the conduct of program reviews.

Section 5. In any instance in which a program review cites inadequate operating or administrative system controls or procedures, inaccuracies, waste, extravagance, unauthorized or unintended activities or programs, or other deficiencies, the head of the state department or agency or the appropriate program officer or official to which the report pertained shall take the necessary corrective actions and when the committee deems the action taken to be not suitable, the committee shall report the matter to the general assembly together with its recommendations.

Section 6. The legislative program review committee may, at any time, take under study any matter within the scope of a completed or partially completed staff report then being conducted or may at its discretion study and consider any matter relative to program activities of state departments and agencies.

Section 7. The legislative program review committee shall report annually to the general assembly on or before February fifteenth and may, from time to time, make additional reports.

Section 8. This act shall take effect July 1, 1972.

Since H.B. No. 5371 was passed, the Legislative Program Review Committee has examined the educational programs in general terms and will be working specifically in vocational education and special education first. A report from the committee involving these two areas may be ready by late 1974.

Connecticut passed Public Act No. 204 in 1972, a bill that amended its state certification act to provide for internships in certifiable positions and the evaluation of their performance before further certification. Part of this Act is quoted below:

PUBLIC ACT NO. 204
(Enacted May 19, 1972)

An act concerning state certificates to teach or supervise.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. As used in this act (a) "equivalency" means qualifications reasonably comparable to those specifically listed as required for certification, (b) "alternate" means qualifying for certification in a manner other than the completion of an approved program of teacher education, (c) "internship" means an initial period of not less than a year, during which the applicant for a certified position performs the duties of that position under supervision, training and evaluation. Satisfactory performance as an intern shall be required before further certifications may be issued to him for that position.

Sec. 2. Section 10-146 of the 1971 supplement to the general statutes is repealed and the following is substituted in lieu thereof: The state board of education may, in accordance with such regulations as it prescribes, grant a certificate of qualification to teach or to supervise in any public school in the state and may revoke the same. A program shall be developed by January 1, 1973, providing for internships in certifiable positions, evaluation of the performance of such interns by persons the state board specifies, and such equivalencies and alternates to present certification requirements acceptable from persons with bachelors degrees from approved colleges as the board deems necessary or desirable. Said board shall report on said program to the joint standing committee on education. The certificate of qualification issued under this section shall be accepted by boards of education in lieu of any other certificate, provided additional qualifications may be required by a board of education, in which case the state certificate shall be accepted for such subjects as it includes. No certificate to teach shall be granted to any person who has not passed a satisfactory examination, or been legally exempted therefrom, in hygiene, and the effects of nicotine or tobacco, alcohol and controlled drugs, as defined in section 19-443, on health, character, and personality development. The state board of education and the commission for higher education in consultation with the commissioner of mental health shall develop educational programs for the training of teachers, administrators, and guidance personnel with reference to the effects of nicotine or tobacco, alcohol and controlled drugs.

Another bill enacted in 1972 was Public Act No. 115 concerning a five-year state plan for special education that requires goals and objectives.

PUBLIC ACT NO. 115
(Enacted April 28, 1972)

AN ACT CONCERNING THE ESTABLISHMENT OF A STATE PLAN FOR SPECIAL EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. The state board of education, utilizing present personnel only, shall make and keep current a five-year plan for the implementation of the special education policy set forth in sections 10-76a to 10-76h, inclusive, and other pertinent sections of the 1971 supplement to the general statutes. The plan shall include: (1) A census of children requiring special education in the state, showing the total number of such children and the geographic distribution of such children as a whole; (2) an inventory of personnel and facilities available to provide instruction and other programs and services to children requiring special education; (3) an analysis of the present distribution of responsibility for special education between the state, including state institutions, and local and regional boards of education, together with recommendations for any changes in the distribution of responsibilities; (4) a formulation of goals, objectives and strategies necessary to achieve compliance with the special education law and to implement the various components of the plan required by this act; (5) a program for the recruitment, preparation and inservice training of professionals and paraprofessionals and supportive personnel in special education and allied fields, including participation by institutions of higher education, state and local agencies, and other appropriate public and private organizations; (6) procedures for identification, screening and diagnosis of children requiring special education and determination of the criteria for determining how such children are to be educated; (7) standards for the education in town and regional programs and in the state institutions to be received by children requiring special education; (8) a program for the development, acquisition, construction and maintenance of classrooms, resource rooms and other facilities needed to implement fully the provisions of the special education law; (9) a policy on the roles of private schools and regional programs and services for children requiring special education; (10) a delineation of the roles of program personnel and the relationship of special education to the total education program; and (11) an analysis of the present formula and levels and patterns of financial support for special education and recommendations to insure the maximum use of funds to meet the educational needs of children requiring special education.

Sec. 2. The development of the state plan shall include the participation of representatives of state agencies and institutions, public and private colleges and universities, professional and parent groups and organizations, local school boards and other local government and civic organizations and the general public.

Sec. 3. The complete state plan shall be submitted to the governor and the joint standing committee on education of the general assembly not later than December 1, 1973.

Sec. 4. This act shall take effect July 1, 1972.

Public Act No. 73-456 was enacted by the General Assembly in 1973. It requires an annual evaluation by the superintendent of each school district of each teacher based

upon minimum performance criteria. The bill is to take effect July 1, 1974. The Act is quoted below:

PUBLIC ACT NO. 73-456, 1973

AN ACT CONCERNING ANNUAL EVALUATION OF TEACHERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-151 of the general statutes, as amended, is repealed and the following is substituted in lieu thereof: (a) Any board of education may authorize the superintendent or supervising agent to employ teachers. Any superintendent or supervising agent not authorized to employ teachers shall submit to the board of education nominations for teachers for each of the schools in the town or towns in his jurisdiction and, from the persons so nominated, teachers may be employed. Such board shall accept or reject such nominations within thirty-five days from their submission. Any such board of education may request the superintendent or supervising agent to submit multiple nominations of qualified candidates, if more than one candidate is available for nomination, for any supervisory or administrative position, in which case the superintendent or supervisory agent shall submit such a list and may place the candidates on such list in the order in which such superintendent or supervisory agent recommends such candidates. If such board rejects such nominations, the superintendent or supervising agent shall submit to such board other nominations and such board may employ teachers from the persons so nominated and shall accept or reject such nominations within one month from their submission. The contract of employment of a teacher shall be in writing and may be terminated at any time for any of the reasons enumerated in subdivisions (1) to (6), inclusive, of subsection (b) of this section, but otherwise it shall be renewed for a second, third or fourth year unless such teacher has been notified in writing prior to March first in one school year that such contract will not be renewed for the following year, provided, upon the teacher's written request, such notice shall be supplemented within five days after receipt of such request by a statement of the reason or reasons for such failure to renew. Such teacher may, upon written request filed with the board of education within ten days after the receipt of such notice, be entitled to a hearing before the board to be held within fifteen days of such request. The teacher shall have the right to appear with counsel of his choice at such hearing.

(b) Beginning with and subsequent to the fourth year of continuous employment of a teacher by a board of education, the contract of employment of a teacher shall be renewed from year to year, except that it may be terminated at any time for one or more of the following reasons: (1) Inefficiency or incompetence; (2) insubordination against reasonable rules of the board of education; (3) moral misconduct; (4) disability, as shown by competent medical evidence; (5) elimination of the position to which the teacher was appointed, if no other position exists to which he may be appointed if qualified; or (6) other due and sufficient cause; provided, prior to terminating a contract, a board of education shall give the teacher concerned a written notice that termination of his contract is under consideration and, upon written request filed by such teacher with such board within five days after receipt of such notice, shall within the next succeeding five days give such teacher a statement in writing of its reasons therefor. Within twenty days after receipt from a board of education of written notice that contract termination is under consideration, the teacher concerned may file with such board a written request for a hearing, which such board shall hold within fifteen days after receipt of such request. Such hearing shall be public if the teacher so requests or the board so designates. The teacher concerned shall have the right to appear with counsel of his choice at such hearing, whether public or private. A board of education shall give the teacher concerned its written decision within fifteen days after such hearing, together with a copy of a transcript of the proceedings, which shall be furnished without cost. Nothing herein contained shall deprive a board of education of the power to suspend a teacher from duty immediately when serious misconduct is charged without prejudice to the rights of the teacher as otherwise provided in this section.

(c) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT SHALL ANNUALLY EVALUATE OR CAUSE TO BE EVALUATED EACH TEACHER AND REPORT THE RESULTS OF SUCH EVALUATION AND MAKE RECOMMENDATIONS TO THE TOWN OR REGIONAL BOARD OF EDUCATION NO LATER THAN FEBRUARY FIRST EACH YEAR. SUCH EVALUATION SHALL BE BASED UPON MINIMUM PERFORMANCE CRITERIA ESTABLISHED BY THE STATE BOARD OF EDUCATION AND SUCH ADDITIONAL PERFORMANCE CRITERIA AS THE LOCAL OR REGIONAL BOARD OF EDUCATION MAY, BY NEGOTIATION, ESTABLISH. ON OR BEFORE FEBRUARY 1, 1974, THE STATE BOARD OF EDUCATION SHALL SUBMIT TO THE JOINT STANDING COMMITTEE ON EDUCATION OF THE GENERAL ASSEMBLY SUCH MINIMUM PERFORMANCE CRITERIA AS IT SHALL HAVE ESTABLISHED PURSUANT TO THIS ACT.

(d) For the purposes of this section, the term "teacher" shall include each employee of a board of education, below the rank of superintendent, who holds a regular certificate issued by the state board of education.

(e) The provisions of any special act regarding the dismissal or employment of teachers shall prevail over the provisions of this section in the event of conflict.

(f) After having had a contract of employment as a teacher renewed for a fourth year in any one municipality or school district, any teacher who is subsequently employed in any other municipality or school district shall become subject to the provisions of subsection (b) of this section after eighteen months of continuous employment, unless, prior to completion of the eighteenth month following commencement of the employment in such town, such teacher has been notified in writing prior to March first in accordance with the provisions of subsection (a) of this

section that such contract will not be renewed for the following year irrespective of the duration of employment under the then existing contract beyond the date of said notification or unless, for a period of five or more years immediately prior to such subsequent employment, such teacher has not been employed in any public school within this state.

(g) Any teacher aggrieved by the decision of a board of education after a hearing as provided in subsection (b) of this section may appeal therefrom, within thirty days of such decision, to the court of common pleas for the county or judicial district in which such board is located. Such appeal shall be made returnable to said court in the same manner as is prescribed for civil actions brought to said court. Any such appeal shall be a privileged case to be heard by the court as soon after the return day as is practicable. The board of education shall file with the court a copy of the complete transcript of the proceedings of the hearing held by the board for such teacher, together with such other documents, or certified copies thereof, as shall constitute the record of the case appealed from. The court, upon such appeal, shall review the proceedings of such hearing and shall allow any party to such appeal to introduce evidence in addition to the contents of such transcript, if it appears to the court that additional testimony is necessary for the equitable disposition of the appeal. The court, upon such appeal and after a hearing thereon, may affirm or reverse the decision appealed from. Costs shall not be allowed against such board unless it appears to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Sec. 2. This act shall take effect July 1, 1974.

Three Connecticut laws enacted in 1974 amended laws enacted in earlier legislative sessions. Public Act No. 100, 1974 amends Public Act No. 326 of 1971. Public Act No. 331, 1974 amends Public Act No. 204 of 1972. Public Act No. 278, 1974 amends Public Act No. 456 of 1973.

PUBLIC ACT NO. 100, 1974
(Amends Public Act 326, 1971)

AN ACT CONCERNING THE EVALUATION OF SPECIAL EDUCATION PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (a) The state board of education shall develop, design, implement and test, on an experimental basis, a model for the evaluation of programs covered by sections 10-76a to 10-76g, inclusive, of the general statutes, as amended. Said model shall: (1) Establish a means for the development or goals and objectives in the identification, placement and education of the exceptional child; (2) establish a method for determining the ability of special education programs to meet such goals and objectives; (3) establish methods and procedures for evaluation; and (4) develop a data collection system to assist in such evaluation.

(b) Said board shall annually review, with the joint standing committee on education of the general assembly, the progress made in developing, designing, implementing and testing said model for evaluation and such other information as said committee may require to inform itself about said model, and shall submit its final report and recommendations to said committee on or before January 15, 1978.

Sec. 2. The sum of three hundred thousand dollars is appropriated to the department of education to implement the purposes of this act, which appropriation shall be from the sum appropriated to the finance advisory committee under section 1 of number 74-31 of the special acts of the current session for the reserve for legislation affecting agency budgets and shall be administered by said department.

PUBLIC ACT NO. 331, 1974
(Amends Public Act 204, 1972)

AN ACT CONCERNING TEACHER CERTIFICATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-146 of the general statutes, as amended by section 1 of number 73-632 of the public acts of 1973, is repealed and the following is substituted in lieu thereof:

(a) As used in Chapter 166, (1) "Equivalent" means qualifications reasonably comparable to those specifically listed as required for certification, (2) "Provisional Certification Period" means an initial period of no less than three years, during which the applicant for a standard teaching certificate performs the duties of a teacher, (3) "Provisional Teaching Certificate" or "Provisional Certificate" means a license to teach during the provisional certification period, issued to a person who meets in full the preparation requirements of the state board of education. (4) "Standard Teaching Certificate" or "Standard Certificate" means a license to teach issued to one who has successfully completed no less than three years of satisfactory teaching experience and fulfilled other requirements while holding a provisional certificate or its equivalent. (5) "One Year" means one school year.

(b) The state board of education may, in accordance with number 73-632 of the public acts of 1973, and such regulations and qualifications as it prescribes, grant certificates of qualification to teach or to supervise in any public school in the state and may revoke the same. The certificates of qualification issued under this section shall be accepted by boards of education in lieu of any other certificate, provided additional qualifications may be required by a board of education, in which case the state

certificate shall be accepted for such subjects as it includes. No certificate to teach or to supervise shall be granted to any person who has not passed a satisfactory examination in hygiene, and the effects of nicotine or tobacco, alcohol and drugs, as provided in section 2 of said act.

Sec. 2. (a) On and after September 1, 1975, a person who has graduated (1) from a four-year baccalaureate program of teacher education as approved by the state board, or (2) from a four-year baccalaureate program approved by the state board or from a college or university accredited by the commission for higher education, provided such person has taken such teacher training equivalents as the state board of education shall require and, unless such equivalents are taken at institutions outside of this state, as the commission for higher education shall accredit, shall be granted upon proper application a provisional teaching certificate by the state board which shall be valid for ten years.

(b) During the period of employment, a person holding a provisional certificate shall be under the direct supervision of the superintendent of schools or of a principal, administrator or supervisor designated by such superintendent who shall regularly observe, guide and evaluate the performance of assigned duties by such holder of a provisional certificate as well as cooperate with and counsel such holder in accordance with the provisions of this act.

(c) To qualify for a standard certificate, a person holding a provisional certificate shall have completed thirty credit hours of course work beyond the baccalaureate degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of (1) a planned program at an approved institution of higher education or (2) an individual program which is mutually determined or approved by the teacher and the supervisory agent of the town or regional board of education or by the supervisory agent of a private school who is recognized by the state board of education and which is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions of higher education and may include in-service programs sponsored by town or regional boards of education or approved private schools with the approval of the joint subcommittee of the commission for higher education and the state board of education established pursuant to section 10-155B of the general statutes. In the event of disagreement between the teacher and the supervisory agent over the determination of course work to be completed, either party may request the advisory board on state certification of teachers to resolve the matter.

(d) In not less than three years nor more than ten years after the issuance of a provisional certificate and upon the statement of the employing board of education that a provisional certificate holder has successfully completed course work pursuant to subsection (c) and has a record of competency in the discharge of his duties during such provisional period, the state board shall grant such certificate holder a standard teaching certificate. Competency shall be evidenced by a signed recommendation from the superintendent of schools for the town or regional school district or by the superintendent of a private school approved by the state board of education. Such recommendation shall state that the provisional certificate holder has successfully completed at least three years of satisfactory teaching in one or more town or regional school districts and that the final two years prior to eligibility for a standard certificate have been consecutive years of employment by such recommending town or regional school district or approved private school. The state board of education may revoke a standard certificate for any of the following reasons: (1) The holder of the certificate obtained such certificate through fraud or misrepresentation of a material fact; (2) the holder has persistently neglected to perform the duties for which certification was granted; (3) the holder is professionally unfit to perform the duties for which certification was granted; (4) the holder is convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the board continued certification would impair the standing of certificates issued by the board; or (5) other due and sufficient cause. Revocation shall be in accordance with procedures established by the state board of education pursuant to chapter 54 of the general statutes, as amended.

(e) Within thirty days after receipt of notification, any provisional certificate holder who is not granted a standard certificate under the provisions of this act, may appeal to the state board of education for reconsideration. Said board shall review the records of the provisional certification period, hold a hearing within sixty days if such hearing is requested in writing and render a written decision within thirty days. Any teacher aggrieved by the decision of said board may within thirty days from the date of receipt of said board's decision take an appeal therefrom to the court of common pleas for the district of residence of such teacher and such appeal shall be accorded a privileged status on the docket and trial list.

(f) For the purposes of this section "supervisory agent" means the superintendent of schools or the principal, administrator or supervisor designated by such superintendent to provide direct supervision to a provisional certificate holder.

Sec. 3. Any person holding a provisional certificate on the effective date of this act may elect to qualify for the standard certificate either in accordance with regulations in effect on the effective date of this act or under the provisions of this act.

Sec. 4. Section 10-146b of the general statutes is repealed and the following is substituted in lieu thereof:

Any person who holds a provisional teacher's certificate and who is unable to complete the requirements for a standard certificate within the period required by Section 2 or 3 of this act may appeal to said board for an extension of such period and said board, if it finds a hardship exists in the case of such person or if it finds an emergency situation because of a shortage of certified teachers in the municipality where such person is employed, may extend the period

within which such person shall complete such requirements for such time as to said board seems reasonable, provided not more than one extension shall be granted to such person and, provided further, the record of such person is satisfactory under the provisions of this act.

Sec. 5. Subsection (a) of section 10-146f of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section: (1) A bilingual-bicultural program means a program designed for the education of persons who speak a native language other than English; (2) bilingual means the ability to use two languages fluently.

Sec. 6. The state board of education shall, pursuant to chapter 54 of the general statutes, as amended, promulgate such regulations as may be necessary to carry out the provisions of this act.

Sec. 7. This act shall take effect July 1, 1974.

PUBLIC ACT NO. 278, 1974
(Amends Public Act 456, 1973)

AN ACT CONCERNING TEACHER EVALUATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. The superintendent of each school district shall, in accordance with guidelines established by the state board of education for the development of evaluation programs and such other guidelines as may be established by mutual agreement between the town or regional board of education and the teachers' representative chosen pursuant to section 10-153b of the general statutes, continuously evaluate or cause to be evaluated each teacher. The superintendent shall report the status of such evaluations to the town or regional board of education on or before June first of each year. For purposes of this section, the term "teacher" shall include each employee of a board of education, below the rank of superintendent, who holds a certificate or permit issued by the state board of education.

Sec. 2. On or before January 1, 1975, each town or regional school district shall submit, in writing, to the state board of education a report on existing evaluation procedures and plans for implementing the guidelines established by the state board of education for development of local evaluation programs.

Sec. 3. Section 10-151 of the general statutes, as amended by section 1 of number 73-456 of the public acts of 1973, is repealed and the following is substituted in lieu thereof:

(a) Any board of education may authorize the superintendent or supervising agent to employ teachers. Any superintendent or supervising agent not authorized to employ teachers shall submit to the board of education nominations for teachers for each of the schools in the town or towns in his jurisdiction and, from the persons so nominated, teachers may be employed. Such board shall accept or reject such nominations within thirty-five days from their submission. Any such board of education may request the superintendent or supervising agent to submit multiple nominations of qualified candidates, if more than one candidate is available for nomination, for any supervisory or administrative position, in which case the superintendent or supervisory agent shall submit such a list and may place the candidates on such list in the order in which such superintendent or supervisory agent recommends such candidates. If such board rejects such nominations, the superintendent or supervising agent shall submit to such board other nominations and such board may employ teachers from the persons so nominated and shall accept or reject such nominations within one month from their submission. The contract of employment of a teacher shall be in writing and may be terminated at any time for any of the reasons enumerated in subdivisions (1) to (6), inclusive, of subsection (b) of this section, but otherwise it shall be renewed for a second, third or fourth year unless such teacher has been notified in writing prior to March first in one school year that such contract will not be renewed for the following year, provided, upon the teacher's written request, such notice shall be supplemented within five days after receipt of such request by a statement of the reason or reasons for such failure to renew. Such teacher may, upon written request filed with the board of education within ten days after receipt of such notice, be entitled to a hearing before the board to be held within fifteen days of such request. The teacher shall have the right to appear with counsel of his choice at such hearing.

(b) Beginning with and subsequent to the fourth year of continuous employment of a teacher by a board of education, the contract of employment of a teacher shall be renewed from year to year, except that it may be terminated at any time for one or more of the following reasons: (1) Inefficiency or incompetence; (2) insubordination against reasonable rules of the board of education; (3) moral misconduct; (4) disability, as shown by competent medical evidence; (5) elimination of the position to which the teacher was appointed, if no other position exists to which he may be appointed if qualified; or (6) other due and sufficient cause; provided, prior to terminating a contract, a board of education shall give the teacher concerned a written notice that termination of his contract is under consideration and, upon written request filed by such teacher with such board within five days after receipt of such notice, shall within the next succeeding five days give such teacher a statement in writing of its reasons therefor. Within twenty days after receipt from a board of education of written notice that contract termination is under consideration, the teacher concerned may file with such board a written request for a hearing, which such board shall hold within fifteen days after receipt of such request. Such hearing shall be public if the teacher so requests or the board so designates. The teacher concerned shall have the right to appear with counsel of his choice at such hearing, whether public or private. A board of education shall give the teacher concerned its written decision within fifteen days after such hearing, together with a copy of a transcript of the proceedings, which shall be furnished without cost. Nothing herein contained shall

deprive a board of education of the power to suspend a teacher from duty immediately when serious misconduct is charged without prejudice to the rights of the teacher as otherwise provided in this section.

For the purposes of this section, the term "teacher" shall include each employee of a board of education, below the rank of superintendent, who holds a regular certificate issued by the state board of education.

(d) The provisions of any special act regarding the dismissal or employment of teachers shall prevail over the provisions of this section in the event of conflict.

(e) After having had a contract of employment as a teacher renewed for a fourth year in any one municipality or school district, any teacher who is subsequently employed in any other municipality or school district shall become subject to the provisions of subsection (b) of this section after eighteen months of continuous employment, unless, prior to completion of the eighteenth month following commencement of the employment in such town, such teacher has been notified in writing prior to March first in accordance with the provisions of subsection (a) of this section that such contract will not be renewed for the following year irrespective of the duration of employment under the then existing contract beyond the date of said notification or unless, for a period of five or more years immediately prior to such subsequent employment, such teacher has not been employed in any public school within this state.

(f) Any teacher aggrieved by the decision of a board of education after a hearing as provided in subsection (b) of this section may appeal therefrom, within thirty days of such decision, to the court of common pleas for the county or judicial district in which such board is located. Such appeal shall be made returnable to said court in the same manner as is prescribed for civil actions brought to said court. Any such appeal shall be a privileged case to be heard by the court as soon after the return day as is practicable. The board of education shall file with the court a copy of the complete transcript of the proceedings of the hearing held by the board for such teacher, together with such other documents, or certified copies thereof, as shall constitute the record of the case appealed from. The court, upon such appeal, shall review the proceedings of such hearing and shall allow any party to such appeal to introduce evidence in addition to the contents of such transcript, if it appears to the court that additional testimony is necessary for the equitable disposition of the appeal. The court, upon such appeal and after a hearing thereon, may affirm or reverse the decision appealed from. Costs shall not be allowed against such board unless it appears to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Sec. 4. The sum of thirty thousand dollars is appropriated to the department of education, which appropriation shall be from the sum appropriated to the finance advisory committee under section 1 of number 74-31 of the special acts of the current session for the reserve for legislation affecting agency budgets and shall be administered by said department. Said sum shall be used for the development, planning, research and evaluation of the guidelines and programs required by this act and for assistance to town and regional boards of education, including orientation and in-service workshops in implementing such guidelines and programs.

Sec. 5. This act shall take effect July 1, 1974.

FLORIDA

Two Acts were passed by the Florida State Legislature in 1970 and in 1971, both of which were initiated and requested by the State Department of Education. Chapter 70-399, enacted in the 1970 session, did not appropriate any funds. The Educational Accountability Act of 1971 provided $90,000 in state funds.

CHAPTER 399, 1970

Section 9. (1) Development of Education Evaluation Procedures.

The commissioner of education shall, no later than March 1, 1971, develop or cause to be developed evaluation procedures designed to assess objectively the educational programs offered by the public schools of this state. The evaluation procedures to be developed shall include such methods as are necessary to assess the progress of students at various grade levels and in the various educational programs of the public schools. The evaluation procedures shall be so constructed and developed as to provide each school district with relevant comparative data to enable district school board members, administrators and the public to more readily appraise educational progress and to effectuate the strengthening of the district's educational program. The evaluation procedure shall provide a uniform evaluation of each school district in this state, and, to the extent possible, be compatible with national procedures for the assessment of progress in education.

(2) Reports.–

The commissioner of education shall make a preliminary report to the state board of education and the chairmen of the house and senate education committees by October 1, 1970. The preliminary report shall include the commissioner's proposed budget for implementing the evaluation procedures in the fiscal year 1971-72. This proposed budget shall be included in the legislative budget of the department of education. The commissioner shall make a final report to the state board of education and the legislature by March 1, 1971. The final report shall include the commissioner's recommendations for the dissemination of the data on educational progress in each school district . . . .

Section 12. This act shall take effect July 1, 1970.

HOUSE BILL 894, 1971

AN ACT RELATING TO EDUCATION; PROVIDING FOR A PROGRAM OF EDUCATIONAL ACCOUNTABILITY FOR THE PUBLIC SCHOOLS OF THE STATE; PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short Title. This act shall be known and may be cited as "The Educational Accountability Act of 1971."

Section 2. Purposes; intent. The purposes of this act are to provide for the implementation and further development of education assessment procedures as required by section 9 (1), chapter 70-399, Laws of Florida, and the plan for educational assessment in Florida developed by the commissioner of education pursuant to this chapter; to provide for the establishment of educational accountability in the public education system of Florida; to assure that education programs operated in the public schools of Florida lead to the attainment of established objectives for education; to provide information for accurate analysis of the costs associated with public education programs; and to provide information for an analysis of the differential effectiveness of instructional programs.

Section 3. Educational accountability program. The commissioner of education is directed to implement a program of educational accountability for the operation and management of the public schools, which shall include the following:

(a) Pursuant to paragraph (e), subsection (2), section 229.053, Florida Statutes, the commissioner, with the approval of the state board of education, shall, no later than November 1 of 1972 and each year thereafter, establish basic, specific, uniform statewide educational objectives for each grade level and subject area including, but not limited to, reading, writing, and mathematics, in the public schools.

(b) The commissioner shall develop and administer a uniform, statewide system of assessment based in part on criterion-referenced tests and in part on norm-referenced tests to periodically determine pupil status, pupil progress and the degree of achievement of established educational objectives.

(c) The commissioner shall make an annual public report of the aforementioned assessment results. Such report shall include, but not be limited to, a report of the assessment results by grade and subject area for each school district, and the state, with an analysis and recommendation concerning the costs and differential effectiveness of instructional programs.

(d) The school board of each district shall by the 1973-74 school year make an annual public report of the aforementioned assessment results which shall include pupil assessment by grade and subject area for each school in the district. A copy of the district's public report shall be filed with the commissioner of education.

(e) The commissioner, with approval of the state board of education, shall by the 1973-74 school year, develop accreditation standards based upon the attainment of the established educational objectives.

Section 4. Implementation. This act shall apply to the subject area of reading by the 1971-72 school year, the subject areas of writing and mathematics by the 1972-73 school year and shall include other subject areas by the 1973-74 school year.

Section 5. This act shall become effective July 1, 1971.

Chapter 231, enacted in 1972, contains a section that requests district superintendents to establish procedures for assessing the performance of all instructional, adminis-

trative and supervisory personnel employed in their districts. The superintendents also are to provide the Department of Education with the criteria and procedures to be used.

CHAPTER 231, S. 231.29, 1972

Record of Personnel.–

(1) The department of education shall maintain a complete statement of the academic preparation, professional training and teaching experience of each person to whom a certificate is issued. The applicant, or the superintendent, shall furnish the information making up such records on blanks furnished by the department.

(2) For the purpose of improving the quality of instructional, administrative and supervisory services in the public schools of the state, the superintendent shall establish procedures for assessing the performance of duties and responsibilities of all instructional, administrative and supervisory personnel employed in his district. A complete statement of the criteria and procedures to be used shall be furnished the department and shall include but not be limited to the following provisions:

(a) Assessment for each individual shall be made at least once a year.

(b) A written record of each assessment shall be made and maintained in the district.

(c) The principal or the person directly responsible for the supervision of the individual shall make the assessment of the individual to the superintendent and the school board for the purpose of reviewing continuing contract.

(d) Prior to preparing the written report of assessment, each individual shall be informed of the criteria and the procedure to be used.

(e) The written report of assessment for each individual shall be shown to him and discussed by the person responsible for preparing the report.

(3) The assessment file of each individual shall be open to inspection only by the school board, the superintendent, the principal, the individual himself, and such other persons as the teacher or the superintendent may authorize in writing.

Two Acts were passed by the Florida State Legislature in 1973, both of which were effective in July, 1973. The Department of Education, in interpreting the legislation at this time, feels that neither of the bills amend or alter Florida's Educational Accountability Act of 1971 (H.B. 894) to any extent.

Senate Bill No. 622 is an omnibus education act that creates new sections or amends previous sections of Florida law relating to higher education and elementary and secondary education. It involves annual reporting of educational progress by individual schools, stressing the school rather than the district as the unit of accountability. Each school board also is to appoint a school advisory committee. Only Sections 26 through parts of Section 33 in the bill are pertinent for inclusion in this report and are quoted below:

SENATE BILL NO. 622
(Enacted in 1973)

A bill to be entitled
An act relating to schools to provide for an omnibus education act;

Be It Enacted by the Legislature of the State of Florida:

Section 26. Legislative intent. It is the intent of the legislature that the individual public school should be the basic unit of accountability in Florida. It is further the intent of the legislature to assure that each parent or guardian be informed of the educational progress of the school and becomes aware of areas in need of further improvement.

Section 27. Annual report of progress. Each public school in every school district shall compile and disseminate an annual report of school progress.

Section 28. Content of the report. The annual report shall include but not be limited to:

(1) Population data related to the school.

(2) Results of assessment programs, including statewide and district testing conducted at the school.

(3) Fiscal and cost accounting information, when available, on the school's program, including the budget of the school.

(4) Summaries of the attitudes toward the school held by students, teachers, administrators, and parents.

(5) Results of the school's effectiveness in achieving goals established for the school.

(6) Plans and programs for school level professional improvement.

(7) Effectiveness of school advisory committee, where existing, and other parental organizations of the school.

(8) Use of the school for community purposes and the use of community facilities for school purposes.

(9) Recommendations for school improvements during the ensuing year.

Section 29. Preparation of the annual report. Responsibility for preparation of the annual report is vested in the school principal, with the school advisory committee, where existing, or other parental organizations assisting in the preparation.

Section 30. Distribution of the report. The annual report of school progress shall be distributed by each public school to the parent or guardian of a child attending that school and other interested parties upon request or as determined by the school advisory committee by June 1 of each year.

Section 31. State board to provide guidelines. The state board of education shall develop guidelines for preparation of the annual report to assure uniformity in the system of reporting, providing that wherever possible present reporting systems will be modified so duplication of information will not be required. The guidelines shall be made available to the district for each public school.

Section 32. Unusually promising innovations to be reported. Every unusually promising innovation in citizen involvement, services of parental organizations, and school level improvement described in the annual report shall be

reported to the state as part of the district's comprehensive plan.

Section 33. Section 230.22, subsection (1), Florida Statutes, is amended to read:

230.22 General powers of school board. The school board, after considering recommendations submitted by the superintendent, shall exercise the following general powers:

(1) Determine policies and programs. The school board shall determine and adopt such policies and programs as are deemed necessary by it for the efficient operation and general improvement of the district school system. . .

(b) The school board shall establish a school advisory committee or committees but such school advisory committees shall not have any of the powers and duties now reserved by law to the school board. The school board shall develop a plan for establishing each school advisory committee, which shall include parents and students, and be broadly representative of the community served by the school. The functions of each school advisory committee, including rules and regulations for its functioning, shall be prescribed by the school board, provided each school advisory committee shall participate with appropriate school personnel in the development of the annual report of school progress as may otherwise be provided by law. Each board shall make an annual evaluation of the effectiveness of each committee established and shall submit its plan and a report of the annual evaluation to the state department of education. The department shall review the reports of annual evaluation to provide to the state board of education and the legislature an annual appraisal as to the effectiveness of school advisory committees and any other information deemed by the department to be appropriate.

The second act passed is known as "The Florida Education Finance Act of 1973." Section 11 of this Act mandates a comprehensive management information and assessment system to be developed by the Commissioner by July, 1975. The system shall be in operation in each appropriate division of the Department and a compatible system shall be in operation in each district. The bill emphasizes cost accounting and cost reporting at the school level rather than the district level. The word "assessment" in the system refers to (1)(d) in the law quoted below. This clause applies to the standardized tests that have been and are given by the school districts. It does not refer to the tests used in the Florida Statewide Assessment Program.

HOUSE BILL NO. 734
(Enacted in 1973)

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act shall be known and may be cited as "The Florida Education Finance Act of 1973."

Section 2. Intent.--The intent of the legislature is:

(1) To guarantee to each student in the Florida public school system the availability of programs and services appropriate to his educational needs, which are substantially equal to those available to any similar student, notwithstanding geographic differences and varying local economic factors; and

(2) To increase the authority and responsibility of districts for deciding matters of instructional organization and method, and to encourage district initiative in seeking more effective and efficient means of achieving the goals of the various programs; and

(3) To assume a greater share of the responsibility for state funding of school construction by providing a systematic plan whereby each district will be able to meet the increasing needs for satisfactory school facilities for all students, and to maximize the availability of satisfactory student stations to meet the current and projected needs of the districts and to remove the necessity of involuntary multiple daily sessions; and

(4) To encourage innovations in school design, construction techniques and financing mechanisms for the purposes of reducing costs and creating a more satisfactory environment for learning, and to direct the department to continue the study of developments in the building industry, including the latest developments in construction methods and materials, in design, and in concepts such as turn-key bidding, prefabricated construction; modular relocatable units, and standardized components; and

(5) To facilitate a more thorough analysis of the state's financial support of public education and to provide a more accurate basis for educational management. . .

Section 11. Comprehensive information, accounting and reporting system.--

(1) Comprehensive information and assessment system. --By July 1, 1974, the commissioner shall develop plans for the design and implementation of a comprehensive management information and assessment system. These plans may be developed using contracted services. Representative districts shall be involved to assure that individual district management information and assessment systems provide output reports that are compatible with the required input needs of this system. By July 1, 1975, the system shall be in operation in each appropriate division of the department and a compatible system shall be in operation in each district. The commissioner shall report on the progress of implementing the system to the governor, the state board and the legislature prior to the beginning of the regular 1974 and 1975 legislative sessions. The state system and the compatible district systems shall provide for at least the following:

(a) Determination of the management decisions which will be made at each educational level, and what information is needed at each level; provided however, that the primary unit for information and assessment shall be the individual school.

(b) Standardization of reporting definitions and terms.

(c) Procedures for assuring the compatibility of management objectives at the department, division, and district level necessary to implement public education policy.

(d) Procedures for assuring comparability between student performance information collected and reported by this system and national indicators of student performance.

(e) Compilations of relevant standardized fiscal, student, program, personnel, facility and community information in

forms usable at various management and policy making levels.

(f) Integration of all present information components of the appropriate divisions of the department into the comprehensive system which shall include, at least, such present educational information components such as accreditation, student assessment, school house facilities, and cost accounting.

(g) Procedures for collection and dissemination of collected educational information required by other state agencies and federal agencies.

(h) Procedures for a continuous review of all components of the information system to assure that information collected is necessary, adequate, and reliable, and that it is processed in an efficient manner.

(i) Whenever possible the system shall also reduce the number and complexity of required reports, particularly at the school level.

(2) Cost accounting.--Each district shall account for expenditures of all state, local and federal funds on a school-by-school and a district aggregate basis in accordance with standards established by the department or as provided by law. The method used by each district when recording and reporting cost data by program shall be reviewed and approved by the department in accordance with regulations prescribed by the state board.

(3) Cost reporting.--Each district shall report expenditures of all funds on a school-by-school and on an aggregate district basis in accordance with standards provided by the department. Definitions of program categories and cost elements to be reported shall be prescribed by regulations of the state board and shall include the programs set forth in section 4(1) (c) of this act. By the 1974-75 fiscal year, ninety (90) percent of current operating funds of the Florida education finance program shall be expended in the programs and the schools which generated the funds, provided however, that a district-by-district accounting shall be made for compensatory education. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and improvement of the accounting and reporting system. The department shall report to the legislature thirty (30) days prior to the opening of the regular 1974 session and each year thereafter, the status of district programs and the state's own program for improvement of accounting and reporting of cost data on a statewide compatible basis. The report shall include the anticipated degree of implementation in the current fiscal year. The refinements and improvements identified in the district's plan and the state plan shall be accomplished by July 4, 1976. Each approved district plan and the state plan shall incorporate procedures or the alternatives considered for minimizing the number and the complexity of reports from the school level.

Two Florida statutes enacted in 1968 and 1969 were found during the August, 1974 updating of **Legislation by the States**. *These laws are reproduced below, followed by House Bill No. 1145 of 1974. This bill amends Florida's Educational Accountability Act of 1971 (House Bill No. 894).*

CHAPTER 229 S. 229.551, 1968

229.551 Plan for effecting constructive educational change.–

(1) The commissioner of education shall as rapidly as feasible expand the capability of the department of education in planning the state's strategy for effecting constructive educational change and providing and coordinating creative services necessary to achieve greater quality in education. . .

(3) Among the priority programs which shall be expanded immediately is the management information system necessary to assist the commissioner of education, state board of education, and legislature in determining the status and needs of education and in establishing educational policies.

(4) The commissioner of education shall utilize all appropriate modern management tools, techniques, and practices which will cause the state's educational program to be more effective and which will provide the greatest economies in the management and operation of the state's system of education.

CHAPTER 216, S. 216.141, 1969

216.141 Budget system procedures; planning and programming by state agencies.–The department, in consultation with the auditor general, shall prescribe a budget system and related reporting and evaluation procedures to establish a plan for continuous planning and programming by all state agencies to provide for effective management practices and internal controls and for efficient operations.

HOUSE BILL NO. 1145, 1974

(Amends House Bill 894, 1971)

A bill to be entitled

An act relating to education; amending subsections 229.57(3) and 229.57(4), Florida Statutes, 1971, to provide procedures to assure comparability between state assessment and national assessment; to limit application of educational accountability program to the subject areas of reading, writing, and mathematics until implementation of this act has been completed in those specific subject areas; to provide that all students will be tested in the third through the sixth grade by 1975-76; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (3) and (4) of section 229.57, Florida Statutes, 1971, are amended to read:

229.57 Educational accountability.–

(3) Educational Accountability Program.–The commissioner of education is directed to implement a program of educational accountability for the operation and management of the public schools, which shall include the following:

(a) Pursuant to subsection 229.053(2) (e) the commissioner, with the approval of the state board of education, shall, no later than November 1, 1972 and each year

thereafter, establish major or ultimate, basic, specific, uniform statewide educational objectives for each grade level and subject area, including, but not limited to, reading, writing, and mathematics, in the public schools.

(b) The commissioner shall develop and administer a uniform, statewide system of assessment based in part on criterion-referenced tests and in part on norm-referenced tests to determine periodically pupil status, pupil progress, and the degree of achievement of established educational objectives. Such system shall include procedures for assuring comparability where appropriate between student performance information collected and reported by this system and national indicators of student performance.

(c) The commissioner shall make an annual public report of the aforementioned assessment results. Such report shall include, but not be limited to, a report of the assessment results by grade and subject area for each school district and the state, with an analysis and recommendations concerning the costs and differential effectiveness of instructional programs.

(d) The school board of each district shall by the 1973-74 school year make an annual public report of the aforementioned assessment results which shall include pupil assessment by grade and subject area for each school in the district. A copy of the district's public report shall be filed with the commissioner of education.

(e) The commissioner, with approval of the state board of education, shall by the 1973-74 school year, develop accreditation standards based upon the attainment of the established educational objectives.

(4) Implementation.—This section shall apply to the subject area of reading by the 1971-72 school year and the subject areas of writing and mathematics by the 1972-73 school year. No other subject area shall be tested until assessment in the subject areas of reading, writing, and mathematics has been implemented. Such implementation shall include the testing of all third and sixth graders in the state by the 1974-75 school year and of all third through sixth grade students by the 1975-76 school year in the basic areas of reading, writing and mathematics. An interpretation of such test in each school shall be reported in the annual report of school progress.

Section 2. This act shall take effect upon becoming law.

GEORGIA

Georgia's Senate Bill No. 672, enacted in 1974, contains sections that apply to accountability. These sections are quoted from the law.

SENATE BILL 672, 1974

AN ACT

To provide for an adequate program for education in Georgia; to provide for a short title and for the purpose of said Act; to provide for instructional services; to provide for supportive services; to provide for cooperative education service agencies; to provide for grants to local units of administration for the operation of educational programs; to provide for district power equalization; to provide for capital outlay funds; to provide for program standards, assessments and improvements; to provide for the powers and duties of the State Board of Education, State Superintendent of Schools and local units of administration; to provide for withholding of State funds under certain circumstances; to provide for penalties; to provide for all matters relative to the foregoing; to repeal specific Acts; to provide for the construction of this Act; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I. SHORT TITLE AND PURPOSE.

Section 1. Short Title. This Act shall be known and may be cited as the "Adequate Program for Education in Georgia Act"....

PART VIII. PROGRAM STANDARDS, ASSESSMENTS AND IMPROVEMENTS

Section 50. Performance-based Criteria for Operation of Instructional Programs. The State Board of Education shall establish performance-based criteria upon which the instructional program of each public school will be evaluated so as to assure, to the greatest extent possible, equal and adequate educational programs, curricula, course offerings, opportunities and facilities for all students of Georgia's public schools, and economy and efficiency in administration and operation of each local unit of administration and public schools therein.

Section 51. Statewide Assessment Program, Local Assessment Program, Funds for the Local Program. (a) The State Board of Education shall adopt such instruments, procedures and policies as deemed necessary to assess the effectiveness of the educational programs of the State. Such assessments will be made at least once annually, at a minimum of three grade levels, and on a Statewide basis. The State Board shall annually cause a readiness test to be administered early during a child's first year in school.

Section 52. Training of Public School Administrators Relative to Program Improvement, Program Improvement Plan, Program to Improve Instructional and System Services. (a) The State Board of Education shall provide an extensive and continuing training program for practicing public school administrators, including at least system superintendents, school principals and instructional supervisors, which is designed to expand their knowledge and skills necessary to plan and manage a systematic program to improve instructional and supportive services. The State Board of Education shall be authorized to reimburse such administration for actual expenses which result directly from participating in this program, if the Board deems it to be necessary. The State Board shall also be authorized to reimburse the expense of supply teachers employed to directly or indirectly replace such administrators, if the Board deems it to be necessary.

PART IX. POWERS AND DUTIES OF STATE BOARD OF EDUCATION, STATE SUPERINTENDENT OF SCHOOLS AND LOCAL UNITS OF ADMINISTRATION.

Section 53. Powers and Duties of the State Board of Education. The State Board of Education shall adopt and prescribe all rules, regulations and policies required by provisions of this Act, and shall adopt and prescribe such other rules, regulations and policies as may be reasonably necessary or advisable for proper implementation, enforcement and carrying out of provisions of this Act, and other public school laws, or for assuring a more economical and efficient operation of the public schools of this State, or any phase of public education in the public schools of this State. The State Board shall establish and enforce minimum standards for operation of all phases of public school education in Georgia and for operation of all public elementary and secondary schools and local units of school administration in Georgia so as to assure, to the greatest extent possible, equal and adequate educational programs, curricula, offerings, opportunities and facilities for all Georgia's children and youth, and economy and efficiency in administration and operation of public schools and public school systems throughout the State. The State Board shall have the power to perform all duties and to exercise all responsibilities vested in it by provisions of law for the improvement of public education in the public elementary and secondary schools of Georgia. All rules, regulations, policies and standards adopted or prescribed by the State Board in carrying out the provisions of this Act and other school laws shall, if not in conflict therewith, have the full force and effect of law.

Section 54. Organization of the State Department of Education. The State Board of Education is hereby authorized, after consultation with the State Superintendent of Schools, to organize and reorganize the State Department of Education and the various offices, divisions, sections and units thereof and to prescribe the duties, functions and operations of each at such times and in such

manner as the State Board may deem necessary or desirable for the more economical or effective organization, administration or functioning of the Department.

Section 55. Certification and Classification. (a) Certification and classification of professional school personnel; revocation of certificates; definitions: The State Board of Education shall provide, by regulation, for certifying and classfying all teachers and other certificated professional personnel employed in the public schools of this State, and no such personnel shall be employed in the public schools of this State unless they shall hold a certificate issued by the State Board certifying to his or her qualifications and classification in accordance with such regulations. The State Board shall establish such number of classifications of teachers and other certificated professional personnel as the Board may, in its discretion, find reasonably necessary or desirable in the operation of the public schools; provided, however, that, such classifications shall be based only upon academic, technical and professional training and experience, and competency of such personnel. The State Board is authorized to provide, by regulation, for revoking or denying certificates for good cause, after investigation is had and notice and hearing is provided the certificate holder. The State Board shall, by regulation, define the term "certificated professional personnel", as used in this Act, and shall designate and define the various classifications of professional personnel employed in the public schools of this State that shall be required to be certificated under the provisions of this Section. Without limiting the generality of the foregoing, the term "certificated professional personnel" shall be deemed to include principals, instructional supervisors, visiting teachers, school librarians, guidance counselors and county or regional librarians. . . .

Section 65. Financial Procedures Established. For the purpose of promoting economy and efficiency in the financial operation of local school systems, keeping all school expenditures within estimated receipts and balances, and to facilitate financial review audits of local school system operations, and to determine conformance of school operations with provisions of law, the State Board of Education is hereby authorized to establish a uniform budget and accounting system and to establish uniform regulations to be implemented by local school boards. These regulations shall include, but not be limited to, the following: (a) forms, (b) classifications of accounts, (c) codes for data processing machines, and (d) regular reporting procedures. In addition, the State Board of Education is authorized to prescribe information that must be submitted to the State Board and the time it must be submitted. In order to ensure compliance with this Section, the State Board is authorized to establish a Financial Review Section for the limited purpose of reviewing financial records and accounting of local boards.

Section 66. Budget Procedures Established. The State Board of Education is hereby authorized to establish a uniform budgeting system to be implemented by local school boards and to prescribe a date each local board must submit a budget to the State Board. The regulations developed by the State Board must make adequate provision for local review and modification prior to local approval and submittal to the State Superintendent of Schools. The State Superintendent shall provide for the examination and preparation of a written report on the budget of each local unit and submit a copy to the State Board and the respective local board of education. The State Board shall either accept or reject the budget of a local unit. If the State Board rejects the budget of a local unit, the local board shall receive written notification and within 30 days must either make the required changes or request an appeal as provided for in Section 69.

HAWAII

The State of Hawaii passed legislation in June, 1970, mandating a PPBS system. The PPBS bill is Act No. 185 entitled "The Executive Budget Act." The task to formulate the new system was assigned to a legislative committee called the Joint Interim Committee on Budget Format and Review. The Committee developed a new format through which budgeting, planning and program performance information would be reported; it recommended the essentials of a system to support the format; and it proposed legislation to formalize the entire system. Principal features of the new system are described in a committee report directed to the Speaker of the House of Representatives. The main features are reproduced here, but the entire committee report and the contents of the Act are too lengthy to repeat in this document. In addition to the principal features, sections of the committee report include a comparison of the current system with the new system, clarification of particulars in the bill which were misunderstood at hearings, guidelines for implementation, and an implementation time schedule.

All of the following features are fully described and discussed in detail in the bill, xeroxed copies of which can be forwarded upon request from SEAR. The bill also provides the general principles by which the system shall be governed, and the responsibilities of the governor, the legislature, the department of budget and finance, and of the state agencies.

PRINCIPAL FEATURES OF ACT 185

The bill establishes a comprehensive Planning-Programming-Budgeting System (PPBS) for State program and financial management which is designed to further the capacity of both the governor and legislature to plan, program and finance the programs of the State. When fully implemented, this system will make possible the following:

- The orderly establishment, continuing review and periodic revision of the State program and financial policies and objectives.
- The development, coordination and review of long-range program and financial plans that will implement established State objectives and policies.
- The preparation, coordination and analysis, and enactment of a budget organized to focus on State programs and their full costs.
- The evaluation of alternatives to existing objectives, policies, plans and procedures that offer potential for more efficient and effective use of the State resources.
- The regular appraisal and reporting of program performance.

There are three formal products of the system which are to be submitted to the legislature for the exercise of its decision-making and review responsibilities: (1) The Six-Year Program and Financial Plan; (2) The Executive Budget; and (3) The Variance Report. Their general contents are summarized below.

- The Six-Year Program and Financial Plan, to be annually and continually updated, shall include:

(1) The State program structure, a display of programs which are grouped in accordance with the objectives to be achieved.

(2) Statements of statewide objectives and program objectives.

(3) Program plans which describe the programs recommended to implement the statewide and program objectives and the manner in which the recommended programs are to be implemented over the next six fiscal years.

(4) A financial plan which shows the fiscal implications of the recommended programs for the next six fiscal years.

- The Executive Budget, to be submitted in every odd-numbered year, shall include:

(1) The State program structure.

(2) Statements of statewide objectives and program objectives.

(3) The financial requirements for the next two fiscal years to carry out the recommended programs.

(4) A summary of State receipts and revenues in the last completed fiscal year, a revised estimate for the fiscal year in progress, and an estimate for the succeeding biennium.

- The Variance Report, to be submitted annually, shall identify and explain variances in actual program performance from planned program performance.

ILLINOIS

Senate Bill No. 1548 was introduced and enacted in 1972. It is directed to the local school district level and is called the School District Educational Effectiveness and Fiscal Efficiency Act. It provides for the development of systems to determine the educational effectiveness and fiscal efficiency of school districts in the state. School district participation is voluntary and those applicant districts that are selected by the State Superintendent and the Director of the Bureau of Budget will be awarded grants to help defray costs incurred. An appropriation of $500,000 has been included in the bill for these grants and for administrative costs of the state office necessary to implement the Act. The bill is reproduced below:

SENATE BILL NO. 1548

Be it enacted by the People of the State of Illinois, represented in the General Assembly: . . .

Section 0.1. Title. This Act shall be know as the "School District Educational Effectiveness and Fiscal Efficiency Act."

Section 1. Purpose. The General Assembly, with a view toward securing the maximum effective use of limited tax revenues available for education and the need for continued improvement of the financial planning, management and control systems of school districts, and recognizing that successful techniques of budgeting and accounting should be made available to school districts, hereby provides encouragement and assistance to school districts to permit continuous development and improvement of the educational effectiveness and fiscal efficiency of present financial planning, management and control systems.

Section 2. Development of systems. Each school district which successfully applies for a grant shall develop a system of financial planning, management and control. Such a system shall include the establishment, with maximum community, school board, staff and administration participation, of measurable goals and objectives for education within the district. To assist in the achievement of these goals and objectives, the system shall also provide for and facilitate the planning and coordination of district financial policy; effective budget preparation and control; the design and implementation of improved accounting and financial reporting systems; and the continued analysis of programs and procedures.

No more than one school year after receipt of a grant the school district shall begin implementation of an educational effectiveness and fiscal efficiency system. At that time and annually for two years thereafter an evaluation of the system shall be conducted and an annual report shall be made to the citizens of the district and to the Superintendent of Public Instruction. Such reports shall include, but need not be limited to, the progress made in establishing the educational effectiveness and fiscal efficiency system, an analysis of the results indicated by operation of the system and a description of activity planned to correct the problems revealed by the system. Each annual report shall also include a review of the goals and objectives for the past year and any new goals and objectives adopted for subsequent years.

Where a school district receives a grant and operates one or more of its educational programs in cooperation with other school districts, they shall jointly develop and implement systems for determining the educational effectiveness and fiscal efficiency of that program or programs in accordance with the foregoing provisions.

Section 3. Awarding of grants. Applications for grants shall be made annually to the Office of the Superintendent of Public Instruction on forms provided by that office. The Superintendent and the Director of the Bureau of the Budget shall select applicants to receive grants and shall, insofar as possible, distribute grants to elementary, secondary and unit districts of diverse size and representative of every region of the State. Preference will be given to districts that have committed or are planning to commit additional local funds toward the development of such a system.

In determining the amount of each grant, the Superintendent of Public Instruction and the Director of the Bureau of the Budget shall give consideration to the size of the district and the extent to which the district has previously instituted procedures similar to those described in this Act.

Section 4. Reports. The Superintendent of Public Instruction shall, in cooperation with school districts participating under this Act, report annually to the General Assembly, the School Problems Commission and the Governor on the progress made in implementing this Act.

Section 5. Rules and Regulations. The Superintendent of Public Instruction in consultation with the Director of the Bureau of the Budget shall adopt such rules and regulations necessary to implement this Act.

Section 6. An appropriation of $500,000, or so much thereof as may be necessary, is made to the Superintendent of Public Instruction for the purpose of administering and implementing this Act.

Section 7. This Act shall take effect July 1, 1972.

INDIANA

The State of Indiana passed legislation in 1971 requesting a PPBS system, which is to be operational by 1977. No other legislation has been passed as of May, 1972.

PUBLIC LAW NO. 309 (H. 1408. Approved April 8, 1971)

AN ACT TO AMEND THE INDIANA CODE OF 1971, 20-1, BY ADDING A NEW CHAPTER, CONCERNING SCHOOL BUDGETARY PRACTICES.

Be it enacted by the General Assembly of the State of Indiana:

SECTION I. IC 1971, Title 20, Article I, is amended by adding a new chapter, to be numbered 1.5 and to read as follows:

Ch. 1.5. State Board of Education: Commission on General Education.

Sec. 1. The Commission on General Education shall immediately make an analysis of a single unified system of budgetary preparation and accounting based upon the concept of the planning and program budget system.

Sec. 2. The Commission shall analyze such budgetary system to determine whether it offers accurate and complete program and item data which allows ready comparison of educational program cost incurred in the several public school systems of the state.

Sec. 3. The Commission may contract with any competent consultation firm for any necessary survey, analysis or design expertise not found within those agencies of the Department of Public Instruction.

Sec. 4. The Commission shall complete the analysis of such a system of programmed budgeting on or before July 1, 1976. After such date, the Commission shall establish a program of instruction for all local system administrators and other personnel who should be involved including local school budgetary officers so that the analysis and instruction program will be completed on or before July 1, 1977.

Sec. 5. All public school governing bodies in the state without exception shall adopt and fully and accurately implement the budgetary system established pursuant to this chapter whenever the general commission so determines after receipt of a recommendation of readiness from the consulting firm, but no later than July 1, 1977 in any event. Failure of any such system to adopt and fully and accurately implement such budgetary system shall constitute a violation of state law and the Commission shall immediately move to take such action as it deems appropriate.

IOWA

Senate Bill No. 126, enacted by Iowa in 1974, contains a section on the evaluation of educational programs.

SENATE BILL 126, 1974

AN ACT RELATING TO THE EDUCATIONAL PROGRAM OF SCHOOLS:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Sec. 14. Evaluation of Educational Program. The board of directors of each public school district and the authorities in charge of each nonpublic school shall:

1. Determine major educational needs and rank them in priority order.
2. Develop long-range plans to meet such needs.
3. Establish and implement continuously evaluated year-by-year short-range and intermediate-range plans to attain the desired levels of pupil achievement.
4. Maintain a record of progress under the plan.
5. Make such reports of progress as the superintendent of public instruction shall require.

KANSAS

A statute providing for the evaluation of teachers and other school employees in Kansas was amended by the 1973 State Legislature. The bill is reproduced below in its entirety:

HOUSE BILL NO. 1042
(Enacted in July, 1973)

AN ACT concerning education in public and nonpublic elementary and secondary schools; providing for evaluation of teachers and other school employees.

Be it enacted by the Legislature of the State of Kansas:

Section 1. It is hereby declared that the legislative intent of this act is to provide for a systematic method for improvement of school personnel in their jobs and to improve the educational system of this state.

Sec. 2. As used in this act, unless the context otherwise requires:

(a) "Board" means the board of education of a school district and the governing authority of any nonpublic school offering any of grades kindergarten to 12 in accredited schools.

(b) "State board" means the state board of education.

(c) "Employees" means all certificated and noncertificated employees of school districts and similar employees of nonpublic schools.

(d) "School year" means the period from July 1 to June 30.

(e) "Accredited" means accredited by the state board, whether the accreditation applies to a single school, to all of the schools of a school district or to one or more nonpublic schools.

Sec. 3. Prior to January 15, 1974, every board shall adopt a bona fide written policy of personnel evaluation procedure in accordance with this act and file the same with the state board. Every policy so adopted shall:

(a) Be prescribed in writing at the time of original adoption and at all times thereafter when amendments thereto are adopted. The original policy and all amendments thereto shall be promptly filed with the state board.

(b) Include evaluation procedures applicable to all employees.

(c) Provide that all evaluations are to be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each employee for a period of not less than three (3) years from the date each evaluation is made.

(d) Provide that commencing not later than the 1974-1975 school year, every employee in the first two (2) consecutive years of his employment shall be evaluated at least two (2) times per year, and that every employee during the third and fourth years of his employment shall be evaluated at least one (1) time each year, and that after the fourth year of his employment every employee shall be evaluated at least once in every three (3) years.

Sec. 4. Evaluation policies adopted under section 3 of this act should meet the following guidelines or criteria:

(a) Consideration should be given to the following personal qualities and attributes: Efficiency, personal qualities, professional deportment, ability, health (both physical and mental), results and performance, including in the case of teachers the capacity to maintain control of students, and such other matters as may be deemed relevant.

(b) Community attitudes toward, support for and expectations with regard to educational programs should be reflected.

(c) The original policy and amendments thereto should be developed by the board in cooperation with the persons responsible for making evaluations and the persons who are to be evaluated, and, to the extent practicable, consideration should be given to comment and suggestions from other community interests.

(d) Primary responsibility for making evaluations should rest upon administrative staff.

(e) Persons to be evaluated should participate in their evaluations, including an opportunity for self evaluation.

Sec. 5. Whenever any evaluation is made of an employee, the written document thereof shall be presented to the employee, and the employee shall acknowledge such presentation by his signature thereon. At any time not later than two (2) weeks after such presentation, the employee may respond thereto in writing. Except by order of a court of competent jurisdiction, evaluation documents and responses thereto shall be available only to the evaluated employee, the board, the administrative staff making the same, the state board of education as provided in K.S.A. 72-7515, the members of the board of education, the administrative staff of any school to which such employee applies for employment, and other persons specified by the employee in writing to his board.

Sec. 6. Upon request of any board, the state board shall provide for assistance in the preparation of original policies of personnel evaluation or amendments thereto. In the event that any board has failed to file an adopted bona fide policy as provided by this act on or before January 15, 1974, or if any board fails to file any adopted amendment to such original policy within a reasonable time after adoption thereof, the state board may apply penalties as prescribed by rules and regulations applicable to accreditation of schools.

Sec. 7. This act shall take effect and be in force from and after July 1, 1973, and its publication in the statute book.

MARYLAND

Article 77, S. 28A, reproduced below, was passed in the 1972 legislative session of the Maryland State Legislature. The bill provides for a program of educational accountability for the public schools of Maryland. Members of the State Department of Education worked with legislators on this bill. Although the bill was to take effect July 1, 1972, funding was not provided until July 1, 1973.

ARTICLE 77, SECTION 28A
(Senate Bill No. 166)

The purposes of this Act are to provide for the establishment of educational accountability in the public education system of Maryland, to assure that educational programs operated in the public schools of Maryland lead to the attainment of established objectives for education, to provide information for accurate analysis of the costs associated with public education programs, and to provide information for an analysis of the differential effectiveness of instructional programs . . . .

(a) Education accountability program. The State Board of Education and State Superintendent of Schools, each Board of Education and every school system, and every school, shall implement a program of education accountability for the operation and management of the public schools, which shall include the following:

(1) The State Board of Education and the State Superintendent of Schools shall assist each local school board and school system in developing and implementing educational goals and objectives for subject areas including, but not limited to, reading, writing and mathematics.

(2) Each school, with the assistance of its local board of education and school system, shall survey the current status of student achievement in reading, language, mathematics, and other areas in order to assess its needs.

(3) Each school shall establish as the basis of its assessment project goals and objectives which are in keeping with the goals and objectives established by its board of education and the State Board of Education.

(4) Each school, with the assistance of its local board of education, the State Board of Education and the State Superintendent of Schools, shall develop programs for meeting its needs on the basis of priorities which it shall set.

(5) Evaluation programs shall concurrently be developed to determine if the goals and objectives are being met.

(6) Re-evaluation of programs, goals and objectives shall be regularly undertaken.

(b) The State Department of Education shall assist the local boards of education in establishing this program by providing guidelines for development and implementation of the program by the local boards, and by providing assistance and coordination where needed and requested by those boards.

(c) Beginning on July 1, 1973, the State Board of Education, upon recommendation of the State Superintendent of Schools, shall include in its annual budget request such funds as it deems necessary to carry out the provisions of this Act.

(d) During January, 1975, and each January thereafter, the State Superintendent of Schools shall transmit to the Governor and to the General Assembly a report which includes, but is not limited to, documentation indicating the progress of the State Department of Education, the local boards of education and each school in the State toward the achievement of their respective goals and objectives and recommendations for legislation which the State Board of Education and the State Superintendent of Schools deem necessary for the improvement of the quality of education in Maryland.

Sec. 2. And be it further enacted, that this Act shall take effect July 1, 1972.

MASSACHUSETTS

Although legislation passed by the Massachusetts General Assembly in 1965 was not an accountability act, it required assessment of the schools, and implementation of the Act has included components of accountability. This is the Willis-Harrington Act, Chapter 572 of the Acts of 1965. The Act is some 500 pages long and the Department of Education is out of copies. Among the charges given the Department of Education in the Act is one which specifically requests the Commissioner to assess the conditions and efficiency of public and others schools throughout the Commonwealth. It is felt by the Department that this responsibility, while including descriptive and fiscal data, places major emphasis on the Department to report pupil achievement in terms of definable goals and learning objectives. This passage is contained in a report published by the Department of Education in the Fall of 1970 entitled, **Massachusetts Board of Education Priorities for 1971, The Results Approach to Education and Educational Imperatives.** *The Willis-Harrington legislation also created the Massachusetts Advisory Council on Education, an independent research agency that is to conduct studies of the educational system and "recommend policies designed to improve the performance of all public education systems in the Commonwealth."*

Chapter 847, enacted by Massachusetts in 1973, is to take effect in September, 1974. It updates teacher certification laws and appoints a Commission to develop and recommend methods for establishing qualifications, including performance standards and requirements, for determining the competence of educational personnel. SEAR received a summary of Chapter 847 in outline form and it is quoted as follows:

CHAPTER 847, 1973

The board shall:

– Appoint a 21 member commission for the Division of Educational Personnel whose membership shall consist of representatives of:

1. Public school teachers (at least one third)
2. The faculty of public higher education
3. The faculty of private higher education
4. Public school administrators
5. School committees
6. Students preparing for teaching
7. Staff of non-public schools
8. The general public

The board shall consult with the appropriate professional organization in making appointments and in the case of public higher education will consult with the board of higher education.

The purpose of the commission shall be:

– To recommend to the board of education standards and procedures for certification and program approval

– The Act also specifies seven "Powers and Duties" of the commission

The powers and duties of the commission shall be:

1. To develop and recommend standards and procedures for certification.
2. To develop and recommend rules and regulations for certification and preparation.
3. To lead and coordinate resources for improved preparation of educational personnel, appoint program approval teams, and recommend preparation programs for approval.
4. To establish representative teams to assist in formulating recommendations for certification and preparation.
5. To develop and recommend alternative methods of establishing qualifications to provide for differing individuals and institutions including performance requirements.
6. To develop and recommend objective and verifiable standards for determining the competence of educational personnel.
7. To develop and recommend objective standards for educational specialists.

The board shall:

– Establish a Division of Educational Personnel

– Appoint an associate commissioner who has experience and background in certification of educational personnel, preparation of educational personnel, and placement of educational personnel.

– Establish the following three bureaus in the division, each to be headed by a director:

The Bureau of Certification of Educational Personnel
The Bureau of Preparation of Educational Personnel
The Bureau of Placement of Educational Personnel

(Most bureaus in the department are not specifically mandated by statute.)

The associate commissioner shall be:

– The secretary and the executive officer of the commission

– Shall be recommended by the commissioner of education to the board only after consultation with the commission.

– Meet experience and background requirements as specified in the act.

The board is authorized to:

– Establish requirements for permanent and provisional certification beyond previously authorized "courses of study and semester hours therein" to include:

Experience
Advanced degrees
And such other requirements it may establish

The board may:

– Approve programs at colleges or universities for the preparation of teachers and other educational personnel.

This reaffirms previous authorization granted in 1968 for purposes of interstate reciprocity (Chapter 748 Acts of 1968).

Completion of such an approved program, and recommendations for certification by the institution in the program, guarantees the graduate "the initial regular certificate" in Massachusetts and thirty other states – in terms of academic requirements.

The board is authorized to:

– Grant permanent and provisional certificates in all previously existing categories and adds unified Media Specialists, School Business Administrators, and School Psychologists in this section.

School psychologists' certificates were previously issued under a different authority (Chapter 71-46 and Chapter 15-1G).
Previously existing categories are: elementary, secondary*, and special subject teacher and supervisor**; audiovisual media specialist, teacher of speech and hearing handicapped, school psychologist, guidance counselor, guidance director, elementary school principal, secondary high school and junior high school principal, school librarian, and superintendent and assistant superintendent.

The board is authorized to:

– Grant two year provisional certificate as the initial authorization for legal employment.

*Secondary School Teacher of English, History, Geography, Social Studies, Mathematics, Chemistry, Physics, Biology, General Science, Earth Science, French, German, Spanish, Italian, Russian, Polish, Portuguese, Latin, Greek.

**Special Subject Teacher in Elementary and Secondary Grades, including Junior High School, e.g., Art, Business Subjects, Home Economics, Industrial Arts, Music, Health, Physical Education, Reading, Driver Education, Speech.

– Grant permanent certificate only after two years' service under provisional certificate, and evaluation by local evaluation committee, and evidence of professional growth in accordance with standards set by the board.

Local evaluation committee shall be:

– Under the auspices of the school committee
– All certified or exempt
– Made up of three members:
One appointed by the school committee
One nominated by the applicant and appointed by the commissioner. The applicant may delegate the local professional bargaining agent to do this.
One appointed by the other two from a similar field to that of the applicant.

Evaluation of committee shall be:

– Based on criteria established by the board
– Forwarded to the board by January 15
– A recommendation for permanent certification,
or
– A recommendation for an additional two-year certificate,
or
– A recommendation that no renewal certificate be granted

The board shall:

In the case that certification is denied:
– Notify the applicant of the denial by February 1
– Send the applicant the report of the evaluation committee or other reason for denial
– Send the applicant an explanation of the appeal procedures open
– Provide the applicant with the names of five qualified hearing officers that are available to hear any appeal

(Omitted here is a time sequence chart for the Board's and applicant's responsibilities for the hearing procedure.)

School committees shall:

– Employ, in any previously existing category, or as:
Unified Media Specialist
School Business Administrator
or
School Psychologist, in this section only those certified or exempt

It may:

– Request an exemption for any one school year in case of great hardship in compliance.*

*Service under such exemption "waiver" is not applicable toward tenure.

The board may:

– Grant a certificate to any applicant who is a non-citizen in any category for which such applicant is otherwise qualified. The applicant must submit proof that he has filed a declaration of intention with the United States Immigration and Naturalization Service.

The board may:

– Make, amend and rescind necessary rules and regulations to carry out the provisions of the act.
(i.e. Define two years of employment – reapplication for these denied – administer the appeals procedure, – missed deadlines, etc.)

School committees shall:

– Credit only the last two years of service under a provisional certificate toward tenure.
– Employ those serving with provisional certificates at the appropriate level on the regular local salary schedule.

The act exempts:

– Trade, vocational, temporary substitute teachers, exchange teachers or teaching or administrative interns from certification requirements.

It requires:

– Prior board approval for the employment of interns by school committees.

It defines:

– "Temporary Substitute Teacher"
"...one employed for less than a school year to take the place of a regularly employed teacher who is absent by reason of illness or by educational leave, maternity leave, military leave, sabbatical leave or other leave."

– "Teaching or Administrative Intern"
"...a student who has completed his student teaching requirements and seeks additional experience in part time teaching or administrative positions." Employment of interns must be approved by the Board.

The act provides:

– For the continued employment of personnel now in the Bureau of Teacher Certification and Placement in the Division of Educational Personnel without loss, or impairment of rights.
– For the continued validity of all certificates and exemptions issued prior to the effective date of this act.
– That those applying within one year of the effective date of the act (September 1974) shall be certified if qualified under rules and regulations in effect before that date.
– Tenure may not be granted until permanently certified.

MICHIGAN

Act No. 307 enacted in 1969 was initiated by the State Department of Education and authorized a statewide educational assessment program. Public Act No. 38, enacted in 1970, was introduced by the Governor and mandated a more comprehensive assessment program for Michigan. Both Acts are quoted below:

SECTION 14, PUBLIC ACT NO. 307
(Enacted in August, 1969)

Sec. 14. The department of education shall begin to plan and develop a state program for the purpose of conducting a periodic and comprehensive assessment of educational progress. Such plan shall include procedures for the objective measurement of instructional outcomes among the elementary and secondary school students pursuing the various subjects and courses that commonly comprise school curricula. Such plan shall be made statewide in application among the elementary and secondary schools. Such plan shall include procedures for the presentation of periodic evaluation reports of educational progress for the state.

Also the department of education shall provide for an annual test or tests of pupil achievements in the basic skills. Such test or tests shall provide for the objective measurement of pupil learning outcomes in reading, mathematics, language arts and/or other general subject areas. Such test or tests shall be undertaken at one or more grade levels among elementary and/or secondary school pupils and shall be made statewide in application insofar as is necessary and possible.

PUBLIC ACT NO. 38
(Enacted in 1970)

AN ACT TO PROVIDE FOR ASSESSMENT AND REMEDIAL ASSISTANCE PROGRAMS OF STUDENTS IN READING, MATHEMATICS, AND VOCATIONAL EDUCATION.

The people of the State of Michigan enact:

Sec. 1. A statewide program of assessment of educational progress and remedial assistance in the basic skills of students in reading, mathematics, language arts and/or other general subject areas is established in the department of education which program shall:

(a) Establish meaningful achievement goals in the basic skills for students, and identify those students with the greatest educational need in these skills.

(b) Provide the state with the information needed to allocate state funds and professional services in a manner best calculated to equalize educational opportunities for students to achieve competence in such basic skills.

(c) Provide school systems with strong incentives to introduce educational programs to improve the education of students in such basic skills and model programs to raise the level of achievement of students.

(d) Develop a system for educational self-renewal that would continuously evaluate the programs and by this means help each school to discover and introduce program changes that are most likely to improve the quality of education.

(e) Provide the public periodically with information concerning the progress of the state system of education. Such programs shall extend current department of education efforts to conduct periodic and comprehensive assessment of educational progress.

Sec. 2. (1) The statewide assessment program of educational progress shall cover all students annually at two grade levels in public schools.

(2) The department of education, hereinafter referred to as the department, shall develop and conduct the program, and may utilize the assistance of appropriate testing organizations and/or testing specialist. The program shall expand the current basic skills testing inventory in grades 4 and 7 coordinated by the department.

(3) The program shall assess competencies in the basic skills and collect and utilize other relevant information essential to the assessment program.

(4) Based on information from the program, students shall be identified who have extraordinary need for assistance to improve their competence in the basic skills.

(5) Information from the program shall be given to each school as soon as possible to assist it in its efforts to improve the achievement of students in the basic skills.

Sec. 3. (1) Based on information from the mathematics, reading and language arts assessment program, the department shall provide remedial assistance programs, as funds are made available by law to school districts to raise competencies in basic skills of students identified pursuant to subsection (4) of section 2. A funded program shall include but not be limited to the following components:

(a) Diagnosis of each student's performance difficulties and the development of an instructional program best suited to his individual needs.

(b) Provision for selection, adaption and installation of instructional systems that take account of individual student needs.

(c) Provision for an evaluation of the program in order to identify changes needed to improve program effectiveness.

(2) The department shall establish guidelines and specifications for the program components. The department shall provide technical assistance to each school district in its implementation of the guidelines and specifications. The department shall conduct such evaluation necessary to provide adequate information for the setting of guidelines.

(3) The department shall provide for preservice and in-service training of staff who would be involved in the school programs.

(4) The department with the cooperation of selected schools shall establish demonstration projects in basic skills.

(5) A remedial assistance program shall be audited as

part of its evaluation by an agency independent of the state department of education to facilitate the accountability of each school for its programs.

Sec. 4. A vocational education demonstration program is established in the department of education to develop, test and evaluate the following innovative programs:

(a) A vocational education assessment and counseling system using computer and other automated techniques.

(b) A new career development program to devise curricula and materials for new careers in the labor market.

Sec. 5. (1) The vocational education demonstration program shall be developed and tested in not more than 3 school districts. The department shall formulate plans and rules, select the demonstration districts and develop instruments for measurement of the program. Demonstration programs shall be operated in school districts during the 1971-72 school year.

(2) The department shall evaluate the program and recommend to the governor and the legislature a statewide vocational education assessment, counseling and evaluation program by December 31, 1972.

Sec. 6. The department shall promulgate rules necessary to carry out the provisions of this act, in accordance with and subject to the provisions of Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.313 of the Compiled Laws of 1948.

This act is ordered to take immediate effect.

NEBRASKA

The Nebraska State Legislature enacted Bill No. 959 May 5, 1969. In this bill, several additional duties are requested of the State Board of Education and the Department of Education. Only a relevant section of the bill is reproduced here, as it relates to the Department of Education's duties. This legislation was requested by the State Board and the Department of Education. Through its Commissioner, the Department of Education is to:

(d) Institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school systems, if it determines that such testing would be advisable, (e) prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary educational data, and for evaluating educational progress.

In addition to submitting an annual report to the Governor on the progress and needs of the schools, the State Board of Education is to:

(7) cause to be prepared and distributed reports designed to acquaint school district officers, teachers, and patrons of the schools with conditions and needs of the schools;

(8) provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties;

(9) cause such studies, investigations, and reports to be made and such information assembled as is necessary for the formulation of policies, for making plans, for evaluating the state school program, and for the making of essential and adequate reports;

NEVADA

In 1971, The Nevada State Legislature appropriated $30,000 to make an in-depth study of the status of the state's public school system. The Governor appointed a committee for the purpose and the resulting report was published in August, 1972 and approved by the Legislature. As a result of this report, the State Legislature adopted Joint Resolution No. 15 in March 1973. It directs the board of trustees of each school district to prepare and file with the Department of Education by June of 1973 and June of 1974 a report describing the implementation within the district of nine recommendations contained in the committee's report. The Department of Education shall receive and compile the reports each year for distribution to the Governor and Legislature. Three of the nine recommendations that have to be implemented are related to accountability. Although Resolutions generally are omitted from SEAR legislative reports because they are not statutes, this one is mentioned here because the recommendations involve actual implementation by school districts and reports the Department of Education will [illegible] file with the Governor and Legislature. The three recommendations related to accountability the districts are expected to implement are worded as follows:

Recommendation No. 1: Identification and clarification of the significant and realistic educational goals and objectives;

Recommendation No. 2: Accountability and wise use of educational resources;

Recommendation No. 5: Evaluation of teachers, supervisory staff, principals and superintendents.

NEW JERSEY

The Governor of the State of New Jersey, in his message to the State Legislature on January 11, 1972, asked the Commissioner of Education and the State Board of Education "to institute a statewide testing program with emphasis on reading abilities for all public schools commencing in the 1972-73 school year. The testing program will be conducted annually at appropriate grade levels to be determined by the Commissioner. The test results will be combined and compared with other important data to provide a comprehensive body of information about education needs throughout the state." The testing program has gone forward.

Senate Bill No. 2233 was enacted in May of 1971. This bill requires a performance evaluation of an intern to determine his/her competence to teach before being issued an initial teaching certificate.

SENATE BILL NO. 2233
(Enacted May 20, 1971)

An Act concerning education and the development of performance evaluation to determine the criteria necessary for an individual to demonstrate his competence to teach before being issued an initial teaching certificate in the State of New Jersey and supplementing Title 18A of the New Jersey Statutes, and making an appropriation therefor.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The Commissioner of Education and the State Board of Education shall have the authority and responsibility under this act to plan, establish, and operate a Statewide performance evaluation project. This project, through voluntary cooperation among local school districts, teacher training institutions, professional educational organizations, and the State Department of Education, shall concentrate on developing criteria for professional teaching competence based on performance evaluation prior to the issuance of initial teaching certificates.

2. This project:

a. shall identify the skills, attitudes, and other such pertinent data as the participating groups deem essential for an individual to demonstrate before being issued an initial teaching certificate;

b. shall determine the method or methods of evaluation of the performance of each candidate for an initial teaching certificate;

c. shall recommend to the commissioner and to the State Board of Education the minimum standards which an individual must achieve in order to be issued an initial teaching certificate; and

d. shall procure and use Federal and private resources in combination with State resources to attain State educational goals.

3. The Commissioner of Education shall, with the approval of the State Board of Education, promulgate rules and regulations, establish procedures, employ personnel, and take all other necessary steps to insure the implementation of the provisions of this act.

4. Pursuant to the objectives of this act, the State Department of Education may seek the cooperation and involvement of other State agencies.

5. There is hereby appropriated to the Department of Education the sum of $90,000.00 to carry out the purposes of this act for the period ending on June 30, 1972. Such amounts of this appropriation as approved by the State Board of Education may be allocated to the Department of Education for such purposes as will insure the effective administration and evaluation of the provisions of this act.

6. This act shall take effect immediately.

NEW MEXICO

The New Mexico State Legislature enacted Chapter 16, S. 59 in 1967, which became part of the New Mexico Public School Code. The law requests that the Public School Finance Division compile and publish a manual of accounting and budgeting for all public schools and school districts of the state.

CHAPTER 16, S. 59, 1967

77-6-5. Manual of accounting and budgeting. A. The division shall compile and publish a manual prescribing detailed regulations for a uniform system of accounting and budgeting of funds for all public schools and school districts of the state. The manual of regulations and any revision or amendments thereto shall become effective only upon approval by the legislative finance committee, filing with the Supreme Court law librarian and publication.

B. All public schools and school districts shall comply with the regulations prescribed in the manual of accounting and budgeting and shall, upon request, submit additional reports concerning finances to the division.

As a result of the passage of Chapter 180 in 1969, a statewide evaluation system was begun in 1969-70 which included the on-site visitations to schools for accreditation purposes asked for in the legislation, and which also initiated a statewide testing program in grades 1, 5 and 8 in 1970-71. In the spring of 1973, criterion-referenced tests were administered to seniors in all of the state's school districts.

CHAPTER 180, 1969

Be it enacted by the Legislature of the State of New Mexico: . . .

Assess and evaluate for accreditation purposes at least one-third of all public schools each year through visits by department personnel to investigate the adequacy of pupil gain in standard required subject matter, adequacy of pupil activities, functional feasibility of public school and school district organization, adequacy of staff preparation, and other matters bearing upon the education of qualified students;

Require a report from each school district by August 1 of each year which indicates by fact what effect the current distribution formula and other financial arrangements have had on educational program operations and student progress during the prior year, and what changes, if any, are needed. The state board shall evaluate each report, consolidate findings and present a state report with recommendations to the ensuing legislative session.

Senate Memorial #40 has been added to New Mexico because Department of Education staff maintain they are implementing what it requests as though the resolution carried the force of law.

SENATE MEMORIAL 40
(Adopted January 1971)

A MEMORIAL

REQUESTING THE STATE BOARD OF EDUCATION TO ORGANIZE EDUCATIONAL EVALUATION COMMITTEES IN THE VARIOUS SCHOOL DISTRICTS OF THE STATE THAT HAVE NO CURRENT EVALUATION PROCEDURES.

WHEREAS, the Senate of the State of New Mexico is vitally interested in the quality of education that children receive in the state's public schools; and

WHEREAS, public school officials have indicated that there are no funds to conduct a comprehensive evaluation of our public schools; and

WHEREAS, the Senate of the State of New Mexico feels that concerned citizens, parents and teachers in each community are the ones who can best analyze the performance, effectiveness and needs of local schools; and

WHEREAS, the Governor of the State of New Mexico has expressed his support for an evaluation of school districts; and

WHEREAS, several school districts have already begun local evaluations of the type described in this memorial;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO THAT:

A. The State Board of Education is requested to organize Educational Evaluation Committees in the various school districts in the state that have no current evaluation procedures or mechanisms, and in the organization of the committees the following guidelines are to be followed:

(1) each school district shall have one Educational Evaluation Committee;

(2) the State Board of Education shall act as the supervising authority for the district Educational Evaluation Committees and shall prepare guidelines and policy statements for them;

(3) district Educational Evaluation Committees shall each consist of ten members, no more than two of whom shall be teachers within the district, and the remainder of which shall be parents or concerned citizens residing in the school district but having no position of responsibility within the public school system in the district; and

(4) district educational evaluation committee members shall be appointed by the Governor from one list of interested parents and citizens and from another list of teachers, both lists to be submitted by the teachers and school administrators in the school district.

B. The duties of the Educational Evaluation Committees shall be to:

(1) visit schools in the community during their usual operation;

(2) observe the physical plants and educational facilities in the school district;

(3) conduct open discussions at public meetings on all issues relevant to the schools for each grade level;

(4) consult extensively with teachers, school administrators, district school board members, State Department of Education officials and local citizens concerning the most fruitful directions for education in the respective districts;

(5) prepare a list of long and short range objectives for elementary and secondary schools, recommend ways for implementing these objectives and formulate measurements for the achievement of these objectives;

(6) prepare an extensive account of the activities and inputs of the Educational Evaluation committees;

(7) prepare a general statement on the measured effectiveness of public school education and the use of state funds in the school district; and

(8) transmit the foregoing documents and all important findings to the local school board, the Governor, the State Superintendent of Public Instruction and the Legislative School Study Committee.

BE IT FURTHER RESOLVED that the Educational Evaluation Committees proposed in this memorial shall in no way hinder the work of any state agency or committee concerned with public education, but the Committees shall, whenever possible, assist state agencies and committees; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the local school boards, the Governor, the State Superintendent of Public Instruction and the Legislative School Study Committee.

NEW YORK

The New York State Legislature amended several sections of its education law with Chapter 586, enacted in June, 1973. Part of this law applies to categorical urban aid for school districts having concentrations of pupils with special educational needs due to poverty. The law, as amended, makes available to the Department of Education an amount equal to two per centum of the total appropriations for categorical urban aid for the evaluation of the program and also for the development and implementation of a comprehensive student evaluation program for elementary and secondary education. The pertinent portions of the law are reproduced below:

CHAPTER 587, LAWS OF 1973
(Enacted June, 1973)

AN ACT to amend the education law, in relation to state aid generally and certain exclusions for certain school districts and repealing section seven hundred three of the education law relating to voting on the distribution of text books.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision eleven of section thirty-six hundred two of the education law, as last amended by chapter five hundred fifty-three of the laws of nineteen hundred seventy-two, is hereby amended to read as follows:

11. **Temporary apportionment for categorical urban aid.** Notwithstanding the provisions of this section or any other section of the education law, any urban school district having a heavy concentration of pupils with special educational needs associated with poverty shall be entitled to an additional apportionment of money for the support of public schools during the school year commencing July first, nineteen hundred seventy-three computed as herein prescribed, payable in accordance with a schedule of apportionment determined by the commissioner of education, with the approval of the director of the budget.

a. An "urban school district" shall be deemed to be one having a weighted average daily attendance as determined pursuant to section thirty-six hundred two of the education law of at least four thousand five hundred for the school year ending June thirtieth, nineteen hundred sixty-eight.

b. A "heavy concentration of pupils having special educational needs associated with poverty" shall mean a number equal to or exceeding eleven hundred when such weighted average daily attendance of such school district is multiplied by the percentage carried to one decimal place without rounding, of sixth grade pupils in the district scoring below level four on the reading test for New York state elementary schools administered in October, nineteen hundred sixty-seven as determined by the commissioner, provided that the count of school-age children in families having school-age children and receiving grants under the aid for dependent children programs and residing in such district as determined by the commissioner for the school year ending June thirtieth, nineteen hundred sixty-eight equals or exceeds five per centum of such weighted average daily attendance.

c. The total amount to be apportioned during such school year shall be forty-seven million dollars. The amount to be apportioned to any such school district shall be computed as follows:

(1) one thousand shall be deducted from its number of pupils with special educational needs associated with poverty as determined in paragraph b of this subdivision,

(2) the excess over one thousand for every such district shall be added to obtain the "total excess",

(3) the excess over one thousand in each such district shall be divided by the "total excess" to determine its "apportionment percentage",

(4) its apportionment percentage shall determine its share of the amount to be apportioned for locally administered programs for pupils with special educational needs associated with poverty; provided, however, that there shall be deducted from its apportionment any apportionment payable to such district under section nineteen hundred fifty-eight of the education law for the support of such programs for such pupils during the school year commencing July first, nineteen hundred seventy-three.

d. The amount apportioned to any school district shall be used for locally administered programs including reading, mathematics, bi-lingual education and such other programs as may be deemed necessary by such school districts for pupils with the special educational needs associated with poverty in accordance with regulations promulgated by the commissioner.

e. On or before February first, nineteen hundred seventy-three and nineteen hundred seventy-four, the commissioner shall report to the legislature on the manner in which the funds provided under this subdivision were spent, including but not limited to the names of the school districts which received funds and the amount, the disposition of funds to other agencies or by the department, the programs which were financed from the funds, and an evaluation of such programs and their relationship to programs funded with moneys provided by the federal government under the provisions of the Elementary and Secondary Education Act of nineteen hundred sixty-five and programs funded with moneys provided by special aid programs of the state of New York, and the extent to which such programs have been incorporated into the regular school curriculum and recommendations for future action. An amount equal to two percentum of the total appropriation for categorical urban aid shall be made available to the department of education from such total appropriation for the evaluation of such program and for the development and implementation of a comprehensive student evaluation program for elementary and secondary education.

OHIO

The Ohio State Legislature enacted legislation in January 1972 requesting an MIS system and an accountability program. No funds were appropriated for the development of these projects.

HOUSE BILL NO. 475

Section 8. The state department of education shall develop a comprehensive system for providing educational management information and accountability capabilities. The system shall be designed for eventual implementation on a state-wide basis and shall utilize the technology of the computer and related systems concepts. Developmental work by the department shall utilize pilot school districts and shall strive, with regard to all public and nonpublic elementary and secondary schools in the state, to (1) define those measurable objectives for which each facet and level of public education is to be held accountable; (2) identify pertinent data elements and devise methods and systems for fairly, accurately and uniformly measuring and reporting the extent to which the defined objectives are met; (3) develop uniform files, methods and systems for collecting, processing, sorting and analyzing data which will permit identification of those factors in the teaching-learning process which have the greatest relevance to student performance; (4) develop uniform accounting methods and systems which will relate the cost and the efficiency of those factors to the learning outcome; and (5) develop uniform systems of reporting the findings of the program to all interested persons.

The department may employ additional personnel and may contract with such experts and consultants as it deems necessary to carry out the duties imposed upon it by this section. The department shall submit to the general assembly on or before June 30, 1972, a report on its progress in meeting the goals of the accountability program as herein expressed. It shall submit a final, complete program and report to the general assembly on or before June 30, 1973 along with recommendations for complete implementation and maintenance of an ongoing educational management information and accountability system.

OKLAHOMA

The Oklahoma state legislature adopted a concurrent Resolution in 1973. According to correspondence from the Department of Education, it was acted upon by the State Board of Education in March, 1973, making accountability a part of the existing School Code laws on school accreditation. This is a state system of local accountability, not a statewide assessment program. The assessment is the initial step.

HOUSE CONCURRENT RESOLUTION NO. 1027

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 34TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

Section 1. That the Oklahoma Department of Education be hereby requested to provide regulations within its accreditation process for the implementation of an educational accountability program.

Section 2. That each school district that wishes state accreditation shall initiate a systemwide needs assessment involving all grades under its jurisdiction.

Section 3. That the needs assessment shall be undertaken by the local school staff in compliance with general direction and guidelines developed by the State Department of Education.

Section 4. That a systems analysis process including goals and objectives shall be utilized to plan the instructional program to fit the needs of the students of said district.

Section 5. That the needs assessment shall involve local patrons as well as school staff members of said district and shall encompass all of the curriculum areas at each grade level.

Section 6. That an evaluation shall be designed and conducted annually to determine whether or not and to what extent the objectives are being met.

Section 7. That the State Department of Education shall hold inservice training sessions for administrators, local school staff, and others involved to effect changes in the accreditation process. Furthermore, that these meetings shall be held periodically in planning regions throughout the State of Oklahoma.

Section 8. That duly authenticated copies of this Resolution be forwarded to Dr. Leslie Fisher, State Superintendent of Public Instruction, and each member of the State Board of Education.

OREGON

Effective July 1, 1971, the Oregon State Legislature enacted into law Senate Bill No. 131 relating to teacher tenure. Sections No. 1 and 5 in the bill are new sections that request an annual evaluation of performance for each teacher employed by a district with more than 500 students.

SENATE BILL NO. 131
(Effective July 1, 1971)

Section 1. In order to allow the school districts of the state to take full advantage of various professional skills and disciplines not directly developed through teaching experience or professional education for which teaching experience is a prerequisite, it is the public policy of the State of Oregon that the state board, in establishing profession.. requirements and experience under ORS 342.140, shall consider professional skills, education and experience not directly related to, nor contingent upon, teaching experience or training as a classroom teacher. . . .

Section 5. (1) The district superintendent of every common and union high school district having an average daily membership . . . of more than 500 students in the district shall cause to have made at least annually an evaluation of performance for each teacher employed by the district in order to allow the teacher and the district to measure the teacher's development and growth in the teaching profession. A form shall be prescribed by the State Board of Education and completed pursuant to rules adopted by the district school board. The persons or persons making the evaluations must hold teaching certificates. The evaluation shall be signed by the school official who supervises the teacher and by the teacher. A copy of the evaluation shall be delivered to the teacher.

(2) The annual evaluation reports shall be maintained in the personnel files of the district.

(3) The annual evaluation report shall be placed in the teacher's personnel file only after reasonable notice to the teacher. Any explanation relating to the evaluation which the teacher desires to make shall be placed in the personnel file.

(4) The personnel file shall be open for inspection by such teacher but shall be open to such other persons as are officially designated by the board or by the teacher, in accordance with such rules and regulations as the board shall adopt.

It should be noted here without reproducing the bill that Oregon's State Legislature enacted House Bill 2127 in June, 1973, which transfers the authority to issue teaching certificates from the Superintendent of Public Instruction to the Teacher Standards and Practices Commission. This Commission has been operating for the past four years, but the bill give statutory authority to the Commission. It does not alter the provisions of Senate Bill No. 131 given above, but places teacher standards and certification in the hands of the teachers. The trend in Oregon has been toward performance-based teacher certification, and although this factor is not spelled out in the bill, it is possible that the statutory Commission will continue the trend.

PENNSYLVANIA

The School District Reorganization Act of 1963 was enacted by the Pennsylvania State Legislature, and was the basis for the Pennsylvania Plan for the Assessment of Educational Quality. This Plan has been funded through the years, but not in the amount requested which was approximately $1,000,000 annually. About a quarter of the amount requested has been appropriated. No other legislation has been passed up to May 1972.

Section 290.1 of the Act of 1963 requires the State Board of Education to:

Develop or cause to be developed an evaluation procedure designed to measure objectively the adequacy and efficiency of the educational programs offered by the public schools of the Commonwealth. The evaluation procedures to be developed shall include tests measuring the achievements and performance of students pursuing all of the various subjects and courses comprising the curricula. The evaluation procedures shall be so constructed and developed as to provide each school district with relevant comparative data to enable directors and administrators to more readily appraise the educational performance and to effectuate without delay the strengthening of the district's educational program. Tests developed under the authority of this section to be administered to pupils shall be used for the purpose of providing a uniform evaluation of each school district and the other purposes set forth in this subdivision. The State Board of Education shall devise performance standards upon completion of the evaluation procedure required by this section.

RHODE ISLAND

An amended section of chapter 16-22 in 1963 required a uniform aptitude and intelligence test of all pupils in the public and private elementary and secondary schools in Rhode Island.

CHAPTER 16-22
(amended in 1963)

Section 1. Chapter 16-22 of the general laws, entitled "Curriculum", as amended, is hereby further amended by adding thereto the following section:

16-22-9. Uniform testing.—The commissioner of education shall establish a program and provide materials for uniform aptitude and intelligence testing of all pupils in elementary and secondary schools in this state. All pupils attending public schools, and all pupils attending elementary and secondary schools approved in accordance with the provisions of the general and public laws of the state of Rhode Island shall be administered tests under the supervision of the state department of education in accordance with said program.

Legislation enacted in 1969 by the General Assembly (Chapter 49) reorganized the State Department of Education and established one Board (Board of Regents) over all education in the state, public and private. This Board was to establish a master plan for all education that included developing goals and objectives and continuously evaluating "the efforts and results of education in the light of these objectives."

In the 1973 session, Chapter 49 was renumbered Chapter 249 and was amended by the General Assembly. The changes are mainly language changes; the substance of the bill has remained the same. However, the duties of the Commissioner of Education, who is in charge of the Department of Education, are more specifically defined in the amended law and have been repeated below. This version of Chapter 249 replaces the earlier Chapter 49 presented in previous legislation reports.

CHAPTER 249
(amended in 1973)

AN ACT Amending Chapter 49 of Title 16 of the General Laws Entitled "Board of Regents for Education."

Section 1. Chapter 49 of title 16 of the general laws entitled "Boards of regents for education" is hereby repealed and amended in its entirety to read as follows: . . .

16-49-4. BOARD OF REGENTS FOR EDUCATION—POWERS AND DUTIES. The board of regents for education shall have in addition to those enumerated in 16-49-1, general laws of Rhode Island, 1956, as amended, the following powers and duties:

(1) To approve a systematic program of information gathering, processing, and analysis addressed to every level, aspect and form of education in this state especially as that information relates to current and future educational needs so that current needs may be met with reasonable promptness and plans formulated to meet future needs as they arise.

(2) To approve a master plan defining broad goals and objectives for all levels of education in the state; elementary, secondary and higher. These goals and objectives shall be expressed in terms of what men should know and be able to do as a result of their educational experience. The regents shall continuously evaluate the efforts and results of education in the light of these objectives.

(3) To formulate broad policy to implement the goals and objectives established and adopted by the regents from time to time; to adopt standards and require enforcement and to exercise general supervision over all public education in the state and over non-public education in the state as provided hereinafter in subsection (8) of this section. The board of regents, however, shall not engage in the operation or administration of any subordinate committee, university, college, junior college, local school district, school, school service or school program, except its own department of education. The adoption and submittal of the budget and the allocation of appropriations, the acquisition, holding, disposition and general management of property shall not be construed to come within the purview of foregoing prohibition. The regents shall communicate with and seek the advice of those concerned with and affected by its determinations as a regular procedure in arriving at its conclusions and in setting its policy.

(4) To allocate and coordinate the various educational functions among the educational agencies of the state and local school districts and to promote cooperation among them so that maximum efficiency and economy shall be achieved.

. . .

(6) To maintain a department of education, to provide for its staffing and organization and to appoint, together with the governor as a voting member of the board of regents, as its chief executive officer and as chief administrative officer of said department, a commissioner of education who shall serve at its pleasure. The commissioner of education and the department of education shall have such duties and responsibilities as defined in sections 16-49-6 and 16-49-7.

. . .

(j) To adopt and require standard accounting and auditing procedures for local school districts.

. . .

16-49-6. COMMISSIONER OF EDUCATION. The regents shall appoint a commissioner of education, . . . In addition to the general supervision of the department of education and the appointment of the several officers and employees of the department, it shall be the duty of the commissioner of education:

(1) To develop and implement a systematic program of information gathering, processing, and analysis addressed to

every level, aspect and form of education in the state, especially as that information relates to current and future educational needs.

(2) To supervise the master planning process for all levels of education in the state; elementary, secondary and higher, to coordinate the goals and objectives of the public education sector with the activities of the private sector where feasible provided that the commissioner shall communicate with and seek the advice of those concerned with and affected by its determinations as a regular procedure in arriving at its conclusions and in setting its policy.

(3) To implement board policy as it pertains to the goals and objectives established by the regents from time to time; to enforce standards and to exercise general supervision over public education in the state and over nonpublic education in the state as provided hereinafter in subsection (7) of this section; to assist in the preparation of the consolidated budget for all of education and to be responsible upon direction of the regents for the allocation of appropriations, the acquisition, holding, disposition and general management of property.

(4) To be responsible for the coordination of the various educational functions among the educational agencies of the state including post-secondary and local school districts and to assist in the coopefation among them so that maximum efficiency and economy may be achieved.

. . .

(j) To prepare standard accounting and auditing procedures for local school districts. . .

SOUTH DAKOTA

Statutes governing the Teachers Professional Practices Act include the evaluation of teachers. A Professional Practices Commission was created by Chapter 62, Session Laws of 1969 (amended in 1970 and 1971), among whose duties are "the adoption of measures governing the preparation, evaluation, and motivation for continued professional competence in the teaching profession." The seven members of the Commission are appointed by the Governor for varying lengths of terms. The details of the bill are cited below:

TEACHERS PROFESSIONAL PRACTICES ACT

(Enacted in 1969, 1970 and 1971)

13-43-16. Declaration of teaching as profession–persons included in teaching profession. The Legislature of the state of South Dakota hereby declares teaching to be a profession. It is declared to be in the interest of the state that such profession be recognized and that the profession accept its responsibilities in the development and promotion of standards of ethics, conduct, performance, preparation, and practices. For the purpose of sections 13-43-16 to 13-43-30, inclusive, the teaching profession shall include those persons certificated by the state superintendent of public instruction as teachers, administrators, and other specialists employed in public, federal, and private schools; education associations; and state agencies and political subdivisions charged with responsibility in the field of education.

Source: Ch. 104, SL 1970

13-43-17. Professional practices commission–creation–number and qualifications of members. There is hereby created the South Dakota professional practices commission which shall consist of seven members:

(1) Three representatives who shall be employed as full-time classroom teachers, two of whom shall be classroom teachers. None of the representatives under this subdivision shall be school administrators.

(2) One representative of the state board of education, who must be a member of said board;

(3) One representative who shall be duly elected as a school board member in his independent school district which offers an approved twelve-year program of education;

(4) One representative who shall be employed as the chief administrator of an independent school district offering an approved twelve-year program of education;

(5) One representative who shall be employed as a full-time elementary or secondary principal.

Source: Ch. 127, SL 1971

13-43-18. Appointment of members of professional practices commission–Terms. The seven members of the professional practices commission shall be appointed by the Governor in a manner to be designated by the Governor. Initially, two members shall be appointed for terms of three years each; two members, for terms of two years each; and one member, for a term of one year; initial appointments of additional members shall be for such terms of years as is necessary so that the terms of no more than three members expire in any one year; thereafter the terms of all members shall be three years. No member of the commission may succeed himself more than once and subsequent appointments to the commission shall be made in a manner to be designated by the Governor.

Source: Ch. 127, SL 1971

13-43-19. Vacancies on professional practices commission–removal of members. Vacancies on the professional practices commission shall be filled by the Governor for the balance of any unexpired term. Members may be removed by the Governor for cause.

Source: Ch. 62, SL 1969

13-43-20. Election of officers of professional practices commission–adoption of rules and regulations. The professional practices commission shall elect from its membership a chairman, a vice-chairman, and other such officers as the commission shall determine and shall adopt rules and regulations to govern its proceedings and the implementation of the provisions of sections 13-43-16 to 13-43-30, inclusive.

Source: Ch. 62, SL 1969

13-43-21. Meetings of professional practices commission. The professional practices commission shall meet on call of the chiarman who, however, must call a meeting upon request of four of the members.

Source: Ch. 62, SL 1969

13-43-22. Compensation and travel allowance for members of professional practices commission. Each member of the professional practices commission shall, when performing commission business, recieve compensation at the same rate as the members of the state board of education and travel allowance as set by the state board of finance for state employees.

Source: Ch. 62, SL 1969

13-43-23. Administrative expenses of professional practices commission. All expenses incurred by the professional practices commission in administering the provisions of sections 13-43-16 to 13-43-30, inclusive, shall be paid from the state institute fund created by section 13-42-5 and

section 13-44-5 provided however, that such annual expenses shall be limited to an amount not to exceed two-thirds of the annual amount collected for teacher certification fees.

Source: Ch. 127, SL 1971

13-43-24. Local professional practices committee—establishment in independent school district—members. Every independent school district is hereby authorized and directed to establish from its own teachers, administrators, and school board members a local professional practices committee which shall be constituted as follows:

(1) Two teachers selected by the teachers, one of whom shall be a classroom teacher. Neither of tne persons under this subsection shall be a school administrator.

(2) One member of the administrative staff selected by the administrators, and

(3) Two members of the school board selected by the board.

Source: Ch. 127, SL 1971

13-43-25. Rules and regulations of professional practices commission. The professional practices commission shall have the power to make such rules and regulations, not inconsistent with the laws of this state, as may be necessary for the protection of the public and consistent with the provisions of sections 13-43-16 to 13-43-30, inclusive, and chapter 1-26. Included therein, without specific limitation thereof, shall be the power to make rules and regulations as follows:

(1) To ensure proper and effective enforcement and administration of sections 13-43-16 to 13-43-30, inclusive;

(2) To adopt a code of professional ethics for the teaching profession in this state; provided, however, that such code shall not establish standards for minimum salaries or other compensation benefits for the teaching profession;

(3) To adopt measures governing the preparation, evaluation, and motivation for continued professional competence in the teaching profession.

The state board of education, attorney general, and the state superintendent of public instruction shall cooperate with and assist the commission when requested to do so by the commission.

Source: Ch. 104, SL 1970
Source: Ch. 127, SL 1971

13-43-25.1. State officials to assist commission. The state board of education, attorney general, and the state superintendent of public instruction shall co-operate with and assist the commission when requested to do so by the commission.

Source: Ch. 127, SL 1971

13-43-26. Standards, criteria, and procedures for evaluation of and rating of teachers. The professional practices commission is hereby authorized and directed, prior to January 1, 1970, to enter into a comprehensive review and evaluation of, and to establish and promulgate standards, criteria, and procedures for the evaluation of the professional performance of classroom teachers in the elementary and secondary schools of the independent school districts of the state. The commission may provide flexible ways by which to judge performance adapted to varying local communities and differences in individuals utilizing not only experience and academic achievements but also any other factors bearing on performance, while at the same time protecting against incompetence.

The standards, criteria, and procedures promulgated hereunder shall provide clear guidelines for the evaluation and rating of teachers. The commission shall develop standards and criteria upon which, for reasons established through adequate supervisory procedures, the local professional practices committee may make a recommendation regarding the employment relationship of the teacher to the district.

Source: Ch. 127, SL 1971

13-43-27. Policy statement of independent school board on supervision and evaluation procedures. Every independent school board following the local professional practices committee's study of the commission's promulgation of the standards, criteria, and procedures shall adopt a policy statement on supervision and evaluation.

Every local professional practices committee shall prepare and submit to the state commission a written feasibility study report for a merit pay and incentive pay system for teachers. Such merit pay and incentive pay may be reflected in the contract for the teacher who has been recommended for such pay.

Source: Ch. 127, SL 1971

13-43-28. Reprimands or disciplinary actions for violations of code of ethics or standards of practice— procedure by professional practices commission. After notice and hearing in the same manner as provided in Title 15, the professional practices commission shall have authority to reprimand or to recommend a disciplinary action which shall be implemented by the appropriate governing body against a member of the teaching profession when such member shall have been determined by the commission to have violated the code of ethics or standards of practice established under sections 13-43-25 to 13-43-27, inclusive, to issue subpoenas, to require the attendance of witnesses, to require the production of written material and records, to administer oaths, to examine witnesses, and to take any evidence it deems pertinent to a proper determination of the charge.

Source: Ch. 104, SL 1970

13-43-29. Reprimands or disciplinary actions—right of member to counsel and subpoenas for witnesses. The

member charged by the professional practices commission shall have the right to be represented by counsel and the right to obtain from the commission subpoenas for witnesses such member may desire at such hearing. Depositions may be taken and used at such hearing as are taken and used in the circuit courts of this state. Witnesses so subpoenaed shall receive the same fees as witnesses in the circuit courts of this state.

Source: Ch. 62, SL 1969

13-43-30. Appeal by member reprimanded or disciplined. Any member reprimanded or disciplined by the professional practices commission shall have the right to appeal as provided by chapter 21-33.

Source: Ch. 62, SL 1969

It should be noted here that House Concurrent Resolution No. 511 was adopted by the South Dakota Legislature in 1972, the legislative intent of which was to encourage local school districts to meet with students, teachers, administrators, parents and other community leaders to determine philosophy, goals, program objectives and priorities for their public schools. The State Department of Education published a public involvement plan that is being suggested to South Dakota school districts as one way to help them to meet the intent of the Resolution.

TEXAS

The Texas State Legislature enacted House Bill No. 169 in May, 1973, which directs the Legislative Budget Board to establish a PPBS system. The Texas Education Agency would be one of the state agencies affected by this law. The bill has been reproduced below:

H. B. NO. 169
(Enacted May, 1973)

AN ACT requiring the Legislative Budget Board to conduct performance audits of agency programs and operations; providing for a performance report; providing a severability clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Legislative Budget Board is directed to establish a system of performance audits and evaluation designed to provide a comprehensive and continuing review of the programs and operations of each state agency, department, commission or institution.

Sec. 2. (a) The Legislative Budget Board shall make a performance report to the Legislature on the third Tuesday of each January in which the Legislature meets in Regular Session.

(b) The performance report shall be published in such form as the Legislative Budget Board shall direct, but in content the performance report shall treat the programs and operations of each agency, department, commission or institution receiving an appropriation in the most recent General Appropriations Act, after the first full fiscal year of operation of each such agency, department, commission or institution.

(c) The performance report shall analyze the operational efficiency of state agency operations and program performance in terms of explicitly stating the statutory functions each agency, department, commission and institution are to perform and how these statutory functions are being accomplished, in terms of unit-cost measurement, workload efficiency data, and program output standards as the Legislative Budget Board shall establish.

Sec. 3. (a) The Director of the Legislative Budget Board shall, with the approval of the Legislative Budget Board, appoint an assistant director for program evaluation who shall report to, and be responsible to, the director of the Legislative Budget Board.

(b) The Director of the Legislative Budget Board shall employ sufficient personnel to effectuate the provisions of this Act.

Sec. 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Some Resolutions also were passed by the Texas Legislature in 1973 that may affect later legislation and are, therefore, mentioned here. House Concurrent Resolution No. 96, adopted in May, 1973, instructs the Legislative Budget Board to prepare the state's budget for the next session in a program budget format. Another Resolution, No. 718 also adopted in May, requests the Legislative Budget Board to study the concepts of "zero base" budgeting, including the application of cost-benefit ratio analysis.

The most interesting resolution is Resolution No. 193 adopted in May, which is directly concerned with performance-based teacher education. The Texas Education Agency was awarded a grant of $3.87 million by U.S.O.E. to field test competency/performance-based teacher education for the American Association of Colleges for Teacher Education. As a result of the study, the State Board of Education in June, 1972, made major changes in teacher education and certification in Texas by adopting several new standards for all new programs of teacher preparation. Under the new standards, all programs for preparing teachers and other school personnel at each of the 60 higher education institutions in Texas were mandated to be competency/performance-based programs. Since many resolutions have appeared from Texas and national education groups opposing certain of the standards; because the analysis by the U.S. Office of Education of the program raises questions and some doubts; and because the new standards may be in conflict with several U.S. Supreme Court cases, the Texas Legislature appointed a legislative subcommittee to study the new teacher education and certification standards. The study is to include such concerns as:

- the mandatory imposition of the new standards on all programs at all institutions preparing teachers in Texas
- the cost of implementation
- the commitment of teacher education to a single approach
- the thin knowledge base of the new standards
- the possible violations of academic freedom

The subcommittee is to make a complete report to the Legislature by January, 1975.

In January, 1974, the Texas Attorney General ruled that the State Board of Education or Commissioner did not have the authority to mandate that accreditation of teacher education programs be based solely upon performance-based teacher educaiton. They can offer several alternative programs, including performance-based teacher education, from which an institution can choose in order to have a certifiable program. The Commissioner of Education has abided by the decision and several alternatives now are offered as applicable standards for teacher education and certification, one of which is the 1972 standards.

UTAH

Utah's School Finance Program Act passed in 1974 which contains a section on the evaluation of programs funded by the Act.

HOUSE BILL NO. 51, 1974

House Bill Number 51 contains the School Finance Program passed by the 1974 Budget Session of the Utah State Legislature. Section 8 in the published edition states:

"All funds appropriated under this act shall be used only for programs approved by the State Board of Education. The State Board of Education is directed and empowered to assess the progress and degree of effectiveness of all programs funded under this act and report such assessment to the Legislature."

VIRGINIA

Section 2, Article VIII of the Constitution of Virginia became effective July 1, 1971. It called for the development of standards of quality" for the several school divisions in the state by the State Board of Education. Section 2 states that:

. . . standards of quality for the several school divisions shall be determined and prescribed from time to time by the State Board of Education, subject to revision only by the General Assembly.

The State Department of Education considered the Act to be a mandate for educational accountability and accordingly developed and adopted a set of standards of quality on August 7, 1971.

During the 1972 legislative session, the General Assembly enacted into law an Act (H 845) which followed, with some revisions, the standards of quality adopted by the State Board. The Act specifies that certain planning and management standards and objectives and pupil performance objectives be achieved. Portions of this Act are quoted as follows:

AN ACT TO REVISE CERTAIN STANDARDS OF QUALITY FOR THE SEVERAL SCHOOL DIVISIONS DETERMINED AND PRESCRIBED BY THE BOARD OF EDUCATION AND TO SPECIFY CERTAIN OBJECTIVES FOR THE BOARD OF EDUCATION AND LOCAL SCHOOL BOARDS.

Be it enacted by the General Assembly of Virginia:

S. 1. That the standards of quality for public schools in Virginia, as determined and prescribed by the Board of Education, are revised as follows: . . .

Planning and Management Standards

1. The School Board shall adopt policies which guide the total operation of the school division toward established objectives.

2. The superintendent shall prepare a policy manual in cooperation with school division personnel.

3. The superintendent shall develop the capability, procedures, and organizational structure to enable the school division to plan for future needs.

4. The superintendent shall involve the community and his staff in the preparation of a five-year plan, which shall be updated annually. Such a plan shall be based on a study of the extent to which pupils are achieving the eight broad objectives formulated by the Board of Education and shall be designed to raise the level of pupil performance. This plan shall be reviewed and approved by the School Board and submitted to the State Superintendent of Public Instruction for approval by the Board of Education.

5. The superintendent shall prepare and present to the School Board an annual plan to achieve specific objectives of the approved five-year plan as part of the annual operating and capital outlay budgets.

6. The superintendent shall, as directed by the Board of Education, make annual follow-up studies of former students (dropouts and graduates) who enter employment or who continue their education beyond high school as a means of assessing the effectiveness of the school program.

7. The superintendent and his staff shall provide an effective program of instructional supervision and assistance to principals and teachers that is consistent with the objectives of the school division.

8. The superintendent and his staff shall provide for the cooperative evaluation of central office personnel and principals and shall provide assistance to principals in the cooperative evaluation of teachers and other school employees.

The standards of quality prescribed above, as herein revised, and made effective, shall alone be the only standards of quality required by Article VIII, Section 2 of the Constitution of Virginia.

S. 2. In addition to the standards of quality revised, and made effective as prescribed above, the State and local school divisions shall undertake to achieve the objectives set out below. Annual reports will be prepared by the Board of Education to show the progress being made throughout the State to meet these objectives. The Board of Education is directed and shall have the authority to promulgate rules and regulations necessary to implement these objectives.

Performance Objectives

State

1. A number of pupils equal to at least seventy percent of the pupils who entered the first grade twelve years earlier should be graduated from high school.

2. The percentage of the school population overage in the elementary grades should not exceed twenty percent of the enrollment in grades K-7.

3. The percentage of the student population achieving at or above grade level norms or the equivalent as measured by approved standardized achievement tests should equal or exceed the mean ability level of the student population as measured by appropriate scholastic aptitude tests.

4. At least thirty-one thousand, seven hundred fifty five-year-old children in the State should be enrolled in kindergarten.

5. At least one hundred thirty thousand pupils should be enrolled in summer programs.

6. At least fifty thousand eligible children should be enrolled in special education programs.

7. At least one hundred thirty-five thousand adults should be enrolled in continuing education programs.

8. At least seventy percent of the high school graduates should continue their education in programs provided by colleges and by schools such as business, nursing, data processing, and trade and technical.

9. At least ninety percent of the teachers should be assigned to teach only those subjects for which they have certificate endorsements.

10. At least twenty-three percent of the teachers should hold advanced degrees.

School Division

1. High school graduates expressed as a percent of the first grade enrollment twelve years earlier should increase by at least three percent each year or until a level of seventy percent is reached. Appropriate adjustments will be made for school divisions with significant increases or decreases in school population.

2. The percentage of the school population overage in grades K-7 should be reduced by at least two percent each year or until a level not exceeding twenty percent is reached.

3. The percentage of the student population achieving at or above grade level norms or the equivalent as measured by approved standardized achievement tests should equal or exceed the mean ability level of the student population as measured by appropriate scholastic aptitude tests.

4. The percentage of teachers holding advanced degrees should increase by at least two percent each year or until at least twenty-three percent of the teachers hold such degrees. Work toward advanced degrees should be in the subject area to which the teacher is assigned.

5. The percentage of attendance of pupils shall not fall below the average of the last three years or ninety percent of school membership.

6. Teachers shall be assigned to teach only those subjects for which they have certificate endorsements unless exceptions are granted by the Board of Education.

Planning and Management Objectives

1. Individual School Planning and Management (Principal and Staff).

In accordance with local policies and regulations, the principal shall be responsible for discharging the following major duties:

a. The principal shall involve the community and his staff in the preparation and implementation of an annual school plan, which shall be consistent with the division-wide plan and which shall be approved by the division superintendent.

b. The principal shall develop a school handbook of policies and procedures which are in compliance with and which implement division policies.

c. The principal shall coordinate the services of all persons who work in the school to provide a healthful, stimulating school environment and an efficient and effective operation.

d. The principal shall assign pupils to classes, programs, and activities that are designed to promote maximum learning. All pupils whose achievement is below a level commensurate with their scholastic aptitude should be diagnosed for learning disabilities and appropriate instruction should be prescribed.

e. The principal shall ensure that instructional materials and equipment are used to provide learning experiences that are compatible with the educational needs of pupils.

f. The principal and his staff shall establish methods of evaluating the progress of individual students and the effectiveness of the instructional program in each classroom and in the school as a whole.

g. The principal shall provide direct instructional supervision and assistance to teachers to help them meet the standards for classroom planning and management and shall utilize available supervisory and other consultant personnel as needed to ensure an effective instructional program in the school.

h. The principal and his staff shall provide for the cooperative evaluation of the teachers and other employees in his school. The evaluation of teachers shall be based on the standards for Classroom Planning and Management.

2. Classroom Planning and Management (Teacher)

In accordance with local policies and regulations, the teacher shall be responsible for discharging the following major duties:

a. The teacher shall provide for the humanizing of instruction in the classroom. To accomplish this, the teacher should:

(i) Know the academic strengths and weaknesses of each child;

(ii) Know the home and community environment of each child;

(iii) Treat each child as an individual in accordance with his needs;

(iv) Understand and appreciate each child as an individual of worth; and

(v) Help each child to recognize his potential, to develop his abilities, and to assume his responsibilities as a member of the group.

b. The teacher shall provide for individual differences in the classroom. To accomplish this, the teacher should:

(i) Provide different subject matter and learning experiences and have different achievements standards for individuals with different abilities and/or past achievements; and

(ii) Provide opportunities for pupils to work independently on meaningful tasks that derive from and contribute to the planned activities of the group.

c. The teacher shall make use of available instructional materials and other resources that are appropriate to the needs of the pupils. To accomplish this, the teacher should supplement the textbook and make appropriate use of:

(i) Additional reading materials, such as library books and reference materials, magazines, and newspapers;

(ii) Educational television and other audio-visual aids;

(iii) Demonstrations, dramatizations, and other classroom activities;

(iv) Field trips;

(v) Resource persons and school-related youth organizations; and

(vi) Individual and group projects, in or out of school.

d. The teacher shall organize learning activities to achieve specific objectives which should include:

(i) The development of needed skills;

(ii) The understanding of specific concepts;

(iii) The solution of meaningful problems; and

(iv) The development of wholesome attitudes.

e. The teacher shall provide a favorable psychological environment for learning. To accomplish this, the teacher

should:

(i) Develop and use questioning techniques that require pupils to employ the higher cognitive processes as well as to demonstrate retention and comprehension;

(ii) Encourage pupils to express their ideas in group discussions; and

(iii) Involve pupils in planning and conducting class activities under the guidance and direction of the teacher.

f. The teacher shall evaluate the progress of students. To do this, the teacher should:

(i) Emphasize the application of knowledge to new situations;

(ii) Include achievement in all areas of instruction, habits of work, attitudes, personal traits, and group relationships; and

(iii) Help each pupil to develop the ability to evaluate his own progress and to involve him in the evaluation process.

Virginia has enacted new Standards of Quality for the 1974-76 biennium.

SENATE BILL 221, 1974

Whereas, Section 2 of Article VIII of the Constitution of Virginia provides that standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly; and

Whereas, such Board has published such standards and it is now the wish of the General Assembly that such standards are hereby revised; now, therefore

Be it enacted by the General Assembly of Virginia:

1. S 1. That the standards of quality for public schools in Virginia, as determined and prescribed by the Board of Education, and effective July one, nineteen hundred seventy-four, are revised as follows:

Standards of Quality

1. Personnel.

Each school division shall employ with State basic and local funds at least forty-eight professional instructional personnel for each one thousand students in average daily membership.

2. Special Education.

Each school division shall provide a program of special education for handicapped children that is acceptable to the Board of Education.

3. Gifted And Talented.

Each school division shall provide special services acceptable to the Board of Education designed to enrich the educational experiences of gifted and talented students.

4. Vocational education.

Each school division shall provide vocational education for all students planning to enter the world of work or make progress acceptable to the Board of Education toward achieving the plan submitted to the Board of Education on June thirty, nineteen hundred seventy-three.

5. Reading And Mathematics Skill Development.

Each school division shall provide a supplementary program in reading and mathematics skill development for low-achieving students in grades K-6 acceptable to the Board of Education.

6. Kindergarten.

Each school division shall provide kindergarten education for all eligible children whose parents wish them enrolled or be prepared to offer this program by September, nineteen hundred seventy-six.

7. Accreditation.

Each school division shall develop by July one of the ensuing school year an acceptable plan to meet accrediting standards for any school that is unaccredited or accredited with a warning by the Board of Education.

8. Five-Year School Improvement Plan

Each school division shall involve the staff and community in revising and extending annually the five-year school improvement plan to be submitted to and approved by the Board of Education on July one, nineteen hundred seventy-four. This plan shall include:

a. The objectives of the school division stated in terms of student performance;

b. An assessment of the extent to which the objectives are being achieved, including follow-up studies of former students; and

c. Strategies for achieving the objectives of the school division, including an organized program for staff improvement.

9. Policy Manual.

Each school division shall maintain an up-to-date policy manual which shall include:

a. The grievance procedure prescribed by the Board of Education;

b. A system of communication between the local school board and its employees in order that views of all school employees may be received in an orderly and constructive manner in matters of concern to them; and

c. A cooperatively developed procedure for personnel evaluation.

S 2. The standards of quality prescribed above shall be the only standards of quality required by Section 2 of Article VIII of the Constitution of Virginia.

S 3. School divisions providing programs and services, as provided in paragraphs 2 through 9 of S. 1 herein, with State basic and local funds may be required to provide such services and programs only to an extent proportionate to the funding therefor provided by the General Assembly.

That Chapter 732 of the Acts of Assembly of 1972 and Chapter 311 of the Acts of Assembly of 1973 are repealed.

HOUSE JT. RESOLUTION 161, 1974

Whereas, the State Board of Education has set standards of quality for public schools in Virginia; and

Whereas, the General Assembly has revised these standards of quality; and

Whereas, it is desirable to designate certain objectives for State and local school divisions to achieve; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the State and local school divisions shall undertake to achieve the following objectives:

Performance Objectives

State

1. The average achievement level of the student population in reading and mathematics as measured by standardized achievement tests should equal or exceed the average ability level of the student population as measured by scholastic aptitude tests;

2. By June 1976 at least ninety percent of high school graduates not continuing formal education should have a job entry skill;

3. By June 1976 at least eighty percent of the 1972 ninth-grade enrollment should graduate from high school;

4. By September 1975 at least ninety thousand handicapped students should be enrolled in programs designed specifically to meet their educational needs;

5. By September 1975 kindergarten education should be offered to all eligible children by at least one hundred twenty school divisions;

6. At least ninety percent of the teachers should be assigned to teach only those subjects for which they have certificate endorsements; and

7. At least twenty-three percent of the teachers should hold advanced degrees.

School Division

1. High school graduates expressed as a percent of the first-grade enrollment twelve years earlier should increase by at least three percent each year or until a level of seventy percent is reached. Appropriate adjustments will be made for school divisions with significant increases or decreases in school population;

2. The average achievement level of the student population in reading and mathematics as measured by standardized achievement tests should equal or exceed the average ability level of the student population as measured by scholastic aptitude tests;

3. The percentage of teachers holding advanced degrees should increase by at least two percent each year or until at least twenty-three percent of the teachers hold such degrees. Work toward advanced degrees should be in the subject area to which the teacher is assigned; and

4. The percentage of attendance of pupils should not fall below the average of the last three years or ninety percent of school membership.

Planning and Management Objectives

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b. The principal shall develop a school handbook of policies and procedures which are in compliance with and which implement division policies.

c. The principal shall coordinate the services of all persons who work in the school to provide a healthful, stimulating school environment and an efficient and effective operation.

d. The principal shall assign pupils to classes, programs, and activities that are designed to promote maximum learning. All pupils whose achievement is below a level commensurate with their scholastic aptitude should be diagnosed for learning disabilities and appropriate instruction should be prescribed.

e. The principal shall ensure that instructional materials and equipment are used to provide learning experiences that are compatible with the educational needs of pupils.

f. The principal and his staff shall establish methods of evaluating the progress of individual students and the effectiveness of the instructional program in each classroom and in the school as a whole.

g. The principal shall provide direct instructional supervision and assistance to teachers to help them meet the standards for classroom planning and management and shall utilize available supervisory and other consultant personnel as needed to ensure an effective instructional program in the school.

h. The principal and his staff shall provide for the cooperative evaluation of the teachers and other employees in his school. The evaluation of teachers shall be based on the standards for Classroom Planning and Management.

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(iv) Field trips;

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f. The teacher shall evaluate the progress of students. To do this, the teacher should:

(i) Emphasize the application of knowledge to new situations;

(ii) Include achievement in all areas of instruction, habits of work, attitudes, personal traits, and group relationships; and

(iii) Help each pupil to develop the ability to evaluate his own progress and to involve him in the evaluation process, and, be it

Resolved further, That the State Board of Education and State Board of Community Colleges are hereby requested to formulate programs of adult education in conjunction with the Secretary of Administration, subject to the approval of the Governor, in order to serve the needs for adult education and to avoid unnecessary duplication in adult education services, and be it

Resolved further, That the State Board of Education shall report annually to the Governor and General Assembly on the progress of State and local school divisions in achieving the designated objectives.

WASHINGTON

The Washington Legislature amended its General Provisions for Teachers law to include evaluative criteria and procedures for certificated employees. This legislation was enacted in September of 1969.

28A.67.065 Evaluative criteria and procedure for certificated employees–Requirements. Every board of directors, in accordance with procedure provided in RCW 28A.72.030, shall establish an evaluative criteria and procedures for all certificated employees. Such procedure shall require not less than annual evaluation of all employees. New employees shall be evaluated within the first ninety calendar days of their employment. Every employee whose work is judged unsatisfactory shall be notified in writing of stated areas of deficiencies along with recommendations for improvement by February 1st of each year. A probationary period shall be established from February 1st to April 15th for the employee to demonstrate improvement.

WISCONSIN

Legislation was mandated by the Wisconsin State Legislature during the 1971 legislative session. No funds were appropriated for the educational assessment, at the time of passage of the legislation. In July 1972, $26,000 was allocated for the first year's planning activities by the Board of Government Operations.

CHAPTER 125, LAWS OF 1971

S. 443. 115.28 (10). Educational Assessment. Develop an educational assessment program to measure objectively the adequacy and efficiency of educational programs offered by public schools in this state. The program shall include, without limitation because of enumeration, methods by which pupil achievement in fundamental course areas, as set forth in s. 118.01 (1), and other areas of instruction commonly offered by public schools, will be objectively measured each year. Assessment shall be undertaken at several grade levels on a uniform, statewide basis.

A second bill enacted in 1971 called for a PPBS to be implemented by all state agencies.

CHAPTER 215, S. 16.42, 1971

16.42 Departmental requests. (1) All departments, other than the legislature and the courts, prior to each budget period on the date and in the form and content prescribed by the department shall prepare and forward to the department the following program and financial information:

(a) A clear statement of purpose for each budgetary unit;

(b) Clear statements of specific objectives to be accomplished by specific dates;

(c) Proposed plans to implement the objectives and the estimated resources needed to carry out the proposed plans;

(d) A statement of legislation required to implement proposed program and financial plans;

(e) A clear statement of the methods for evaluation of results of the program services, including the information necessary for evaluation purposes; and

(f) All fiscal or other information relating to such departments that the secretary or the governor requires on forms prescribed by the secretary.

(2) The secretary may make budget estimates for all such departments which fail to furnish by the specified date the information required under sub. (1).

3000-3K40117-74

C A P PUBLICATIONS

Report Number

1 *Annotated Bibliography of the State Educational Accountability Repository.* Phyllis Hawthorne. Revised April 1974. Wisconsin.

2 *Legislation by the States: Accountability and Assessment in Education.* Phyllis Hawthorne. Revised August 1974. Wisconsin.

4 *State Goals for Elementary and Secondary Education.* Susan Ketchum Ribble. Revised September 1973. Wisconsin. ERIC ED 083747.

5 *Characteristics of and Proposed Models for State Accountability Legislation.* Phyllis Hawthorne and Archie A. Buchmiller. April 1973. Wisconsin. ERIC ED 078 514

6 *Accountability: A Bibliography.* Gordon P. Hanson. July 1973. Wisconsin. ERIC ED 084630.

20 *Keeping the Public Informed: Accent on Accountability.* A digest of the Michigan dissemination model. Erwin P. Bettinghaus and Gerald R. Miller. 1973. Michigan.

21 *A Dissemination System for State Accountability Programs.* Erwin P. Bettinghaus and Gerald R. Miller. June 1973. Michigan.

22 *Developing a Large Scale Assessment Program.* Frank B. Womer. July 1973. Minnesota.

23 *Indicators and Statewide Assessment.* March 1974. Oregon.

24 *Roles of the Participants in Educational Accountability.* Carl E. Wilsey and Glenn B. Schroeder. 1974. Colorado.

25 Using Educational Indicators for Program Accountability. Michael J. Grady, Jr. September 1974. Colorado.

NOTE Documents with ERIC reference numbers can be obtained through the usual ERIC procedures

Copies may be obtained from:

STATE EDUCATIONAL ACCOUNTABILITY REPOSITORY
WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION
126 LANGDON STREET
MADISON, WISCONSIN 53702